Supreme Court, U.S.
FILED

011700 MAY 20 2002

OFFICE OF THE CLERK

CASE NO._____

In The

SUPREME COURT OF THE UNITED STATES

October Term 2001

In re: CHRISTOPHER R. WOJCIECHOWSKI &
ANGELA NASKAR WOJCIECHOWSKI
Petitioners,

ON PETITION FOR EXTRAORDINARY WRIT OF PROHIBITION & MANDAMUS TO:

NINTH CIRCUIT COURT OF APPEALS
AND IT'S BANKRUPTCY APPELLATE PANEL ("BAP")

RESPONDENT REAL PARTIES IN INTEREST ARE:

The United States; California's Counties - Los Angeles & Monterey and their Courts; California Attorney General, Bill Lockyer; William J. Meeske, et. al.; Warren Christopher, et. al.; Arthur B. Cook, et. al.; Bennett A. Rheingold, et. al.; Alan Harris, et. al.; Trustees and Executors of the Estate of Lillian B. Disney; Charles R. Schwab, et. al.; Gwire & Frassetto, et.al.; The National Republican Committee and the Sharon D. Lund, *RICO ENTERPRISE.*

PETITIONERS SEEK TO PROHIBIT ON-GOING OBSTRUCTION OF JUSTICE, IN COURTS, WHERE *"JUDGE SHOPPED"* FEDERAL JUDGES, IN CONSPIRACY WITH REAL PARTIES IN INTEREST HAVE BEEN AVOIDING ACCOUNTABILITY FOR 11 YEARS, DEPRIVING PETITIONERS THEIR CONSTITUTIONAL RIGHTS IN VIOLATION OF :

Calif. Const. Art. 1 Sec . 16; ART. 1 SEC. 7(a); ART. 1 SEC. 1
U. S. CONST.. 1st. ; 5th. ;7th. & 14th. AMENDMENTS

PETITIONERS :

CHRISTOPHER R. WOJCIECHOWSKI ("CRW")
ANGELA NASKAR WOJCIECHOWSKI ("ANW")
Pro Se, Private Attorneys General,
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70 Pg

QUESTIONS, PRESENTED:

1. Should the Ninth Circuit be allowed to engage in continued Conspiracy with, it's BAP, U.S. District Courts, State of California Courts in Los Angeles and Monterey Counties, and behemoth law firms to violate Petitioner's and his wife's inviolate right to Trial by Jury, in the process, Obstructing Justice in violation of Title 18 USC Sect. 1503; Racketeering Activity, under Title 18 USC Sect.'s 1962,1963,1964,1965,1966; Civil Rights deprivation under Title 42 USC Sect's. 1983, 1985 & 1986; Antitrust violations of the Sherman/ Clayton Acts, under Title 15 USC Sect. 15; Securities Exchange Fraud violations under Title 15 USC Sect. 78aa; Common Law Fraud; and Constitutional Torts committed by Judges, to cover-up accountability of illegal acts of Latham & Watkins, Gibson Dunn & Crutcher, O'Melveny & Myers, their clients ?

2. Should the Supreme Court use it's power under the all Writs Act to restore Petitioner's and his wife's inviolate right to seek recovery, in Trial by Jury, (they are now Defendants), to offset any claims against them, by civil damages, they claim for what was illegally taken from them and should that Trial proceed in "One Civil Action" under Federal Rules of Civil Procedure, in an impartial tribunal, where personal and subject matter Jurisdiction lies ?

3. Should Petitioners, under the California Private Attorney General Doctrine, in self representation, be allowed their inviolate right to due process and Trial by Jury, in complex Civil Action without benefit of legal advice from attorneys, or should the Court, order compliance with valid Indemnity Agreement wherein, all costs of litigation and attorney's fees must be provided to Petitioner's by Diane Disney Miller and/or her affiliated companies, which include Debtor in Ch. 11.

LIST OF PARTIES TO THE PROCEEDINGS:

ATTORNEYS PRO SE & FOR REAL PARTIES IN INTEREST:

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WARREN CHRISTOPHER, ATTORNEY

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Tel. No. 310 553 6700

ARTHUR B. COOK, ATTORNEY

Representing: himself, Pro Se, his law firm, Hill, Farrer & Burrill;the Debtor, Montevideo Partnership, in Ch. 11; Debtor's General Partner, Topanga Oaks,Inc.; the Owner of Debtor's General Partner; Retlaw Enterprises, Inc.; the Owners of Retlaw Enterprises, Inc., Diane Disney

Miller et.al.; Gibson Dunn & Crutcher, it's former and present attorneys, including Theodore Olson, Ronald E. Gother, Bennett L. Silverman, Jane Lindsay Wingfield, Charles S. Battles, Jr.; Walt Disney Concert Hall No. 1 & No. 2; The heirs, beneficiaries and Trustees of the Estate of Sharon D. Lund and the Sharon D. Lund RICO ENTERPRISE..
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CHARLES R. SCHWAB, THE CHARLES SCHWAB CORP. THE REPUBLICAN NATIONAL COMMITTEE, AND GWIRE & FRASSETTO
were served but, failed to appear in Case CV 00-20962.

THE FOLLOWING HAVE BEEN REQUESTED BY PETITIONERS TO INVESTIGATE FRAUD & ASSERTED CRIMINAL ACTS

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CITATIONS OF OPINIONS BELOW & OTHER PERTINENT EXCERPTS:
U.S.C.A. DOCKETS: 01-80100; 01-70840; 01-71183; 01-15850;
AND "BAP" CASES CC 00 -1627 & CC 01-1213 1/
ARE THE SUBJECTS OF THIS PETITION : 31-38

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1 / These BAP Cases, with Court of Appeal of the State of California Case B 148579 & Superior Court of California, for Los Angeles County Removed Case No. BC 245978, are in process of being Removed and Transferred to U.S. Dist. Crt. Petitioners are Defendants, in Removed Cases, awaiting Transfer on Petitioner's Motion to Judicial Panel on Multi district Litigation (JPMDL"), filed on MAY 9, 2002, in C.D., CA Dist. Crt. Transfer, is necessary for Consolidation with Case No. 00-20962 for prompt Trial by Jury in N.D. CA Dist. Crt, San Jose Div. in the impartial tribunal of Judge Jeremy Fogel, where Personal Jurisdiction over Petitioners/ Defendants and Plaintiff CRW lies. For copy of the JPMDL Motion See Appendix to this Petition @ pg's. 58 - 62.

STATEMENT OF JURISDICTION:

Jurisdiction is found in the all Writs Act; Court Rule 20 - 28 USC Sect. 1651(a), Sect. 2241 or Sect. 2254(a). Prohibition and Mandamus is sought in Ninth Circuit Court of Appeals and it's BAP, to call for Court's supervisory power under 28 USC Sect. 1254 and Sect. 1651(a).

Court's immediate determination is required to avoid irreparable harm and injury to Petitioners, under Rule 11, 28 USC Sect. 2101(e). BAP's oral argument calendared in Case 00-1627, is scheduled for MAY 23 at 1:00 p.m. Motion has been made at BAP by Petitioner to stay proceedings. BAP denied that Motion, in the past. Court could *sua sponte* issue a stay, on Appeal in the interest of justice to obviate irreparable harm and injury to Petitioners, from future Obstructions of Justice.

Clerk of Court on MAR 19, 2002, returned the original Petition which was timely filed, in good faith. Intervening events require that, Angela Naskar Wojciechowski, Private Attorney General, wife of Petitioner, be included in this revised and corrected Petition, which is timely filed (VIA Federal Express) sent on MAY 17 to arrive at Court on MAY 20, 2002 under Court Rule 14.5. 1/

STATEMENT OF CASE:

Ninth Circuit Court of Appeals, with courts below, including BAP, conspired with *RICO Enterprise's* members, who are Real Parties in interest, to Obstruct Justice through RICO fraud, Civil Rights, Antitrust, and Securities Fraud violations, to cover-up, Bankruptcy Fraud in *First Instance*. There, members of *RICO Enterprise*

1/ Service Copies are served on even date via U.S. Postal Service First Class Mail, on opposing Counsel, of private members of *RICO Enterprise* and on the Solicitor General, GAO Director, FBI Director and all Federal and State Judges/employees named, who aided and abetted *RICO Enterprise* in illegal acts, asserted in this Petition.

defrauded Petitioners of $267 million, including real property. 2/ It is asserted that, named courts, judges and employees, under color of law, aided and abetted Real Parties in Interest, to escape accountability for illegal acts, committed over eleven (11) year period.

RELIEF REQUESTED:

Petitioners seek the following Relief from the Court, by reason of the fact that, this Writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances and facts shown in this Petition and Appendix, warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court, because the 9th Cir. Crt. of App., it's BAP, U.S. District Crt's, ND and CD of CA, &State Courts of CA, have denied and cannot enforce Petitioners Civil Rights, to due process and/or Const. guarantees. All named Courts, Obstructed Justice and restrained competition, in the commerce of litigation, in conspiracy with *RICO Enterprise*.

As to 1st Question: Collateral Vacature of all prior inferior Court Orders by reason of the fact that, Bankruptcy Fraud was used as a tool, in the *First Instance*, in 1991, to defraud Petitioners of $267 million, including real property. At all relevant times, District Courts, BAP and 9th Cir. Crt. of Appeals *"had actual and constructive knowledge"* that, Fraud on Court took place, but proceeded anyway, almost without exception, to avoid granting CRW the relief he requested, Obstructing Justice, restraining competition and depriving Petitioners of due process, in violation of Title 42, USC Sect's. 1983, 1985 & 1986, RICO, Civil Rights Antitrust and Securities Fraud statutes.

As to 2nd Question: Remand all matters in all Court's including BAP, to Case No. 00-20962, in

2 / For Calculation of damages see S.Crt. Case No. 98-1924 & 98-1955 "Petition for Rehearing & Final Disposition of both Cases, Filed Oct. 29, 1999, Vol II, pg's. 41-48.

the ND of CA, U.S. District Court of the Hon. Jeremy Fogel, San Jose Div., to uphold and restore Petitioners/Defendants absolute Constitutional "inviolate right" to a Trial by Jury, consolidating, all outstanding related matters, in one Court, in one Action, in the only Court with Jurisdiction, where Supreme Court, is the only Court which could provide CRW and ANW with an impartial tribunal to defend themselves, in a Trial by Jury from *RICO Enterprises* Conspirator's (Harris) allegations that they owe him and his purported law firm in excess of $190,000. Trial by Jury has been demanded there, which statutorily is the only venue, pursuant to Motion for Transfer to Judicial Panel on Multi District Litigation, filed MAY 9, 2002 in CD of CA, Case CV. 02-03792 AHM(CWx), to a Magistrate Judge, instead of directly to JPMDL, See Appendix pg's. 58-62.

As to 3rd Question: Remand Rule 60(b)(6) Motion made to BAP, to be adjudicated in the ND of CA, U.S. District Court of the Hon. Jeremy Fogel, San Jose Div., Case No. 00-20962, to determine if Indemnity Agreement is valid. That is essential, by reason of the fact that, the 1991 illegal Plan of Reorganization, is void and must be vacated, reinstating, among other things, the Indemnity Agreement, to reimburse CRW and ANW for 11 years of costs incurred in litigation, compensate them for their time spent as Pro Se litigants, pursuant to California's Private Attorney General Doctrine, according to proof at Trial by Jury, and to pay the costs and legal fees, to attorneys to represent them at Trial by Jury.

Immediate Relief Requested Under Rule 11, To avoid irreparable harm and injury from further Obstruction of Justice, Petitioners request that in the aid of this Court's appellate jurisdiction, Court instruct CD of CA, District Magistrate Judge Carla M. Woehrle and/or U.S. District Judge A. Howard Matts to hand over the process of Transfer

of Removed Cases from State Court, with BAP Cases, mistakenly assigned to Woehrle, to the Judicial Panel on Multidistrict Litigation ("JPMDL"), as was requested by Petitioners, See Appendix pg's, 58-62.

For such other relief as the Court deems just and proper, in this Writ proceeding, to stop new Obstructions of Justice, at 9th Cir. Courts.

RICO/ANTITRUST CONSPIRATORS ARE:

Only the following federal judges, acting under color of law, are subject to Writ from this Petition: Ninth Circuit Judges; Diarmuid F. O'Scannlain, Gould, Barry G. Silverman, Procter Hug, Jr., Harry Pregerson, Kim McLane Wardlaw, and Appellate Commissioner, Peter L. Shaw; BAP Judges are; Perris, Brandt, Marlar, Montali and Klein. Their Coconspirators in Court's below are: U.S. District Court Judges; Edward Rafeedie, Dickran Tevrizian, Ronald M. Whyte, Marilyn Hall Patel, Bankruptcy Judges; Erithe A. Smith, Calvin K. Ashland and William J. Lasarow.

Their Conspirators, not subject to Writ emanating from this Petition are Real Parties in Interest:

(a). State of California Judges, acting under color of law, who are "State Actors": L.A. Superior Court Judges; Elihu M. Berle & Edward M. Ross. Their Coconspirators are; John P. Shook, Linda K. Lefkowitz & Gerald Rosenberg.

(b). Private individuals: Diane Disney Miller, Ronald E. Gother, Jane Lindsey Wingfield, Bennett L. Silverman, Charles S. Battles, Jr., their law firm Gibson Dunn & Crutcher; also, Arthur B. Cook, Arnold Woo, Scott Gilmore, their law firm, Hill, Farrer & Burill; William J. Meeske, John P. (Jack) Walker, Jr., their law firm, Latham & Watkins; Warren Christopher, Stuart P. Tobisman, Carol A. Johnston, their law firm O'Melveny and Myers; Alan Harris, the Impersonator and his purported law

firm, Harris & Ruble. Their Coconspirators are; Bennett A. Rheingold, the law firm Finer Kim & Stearns, Paul Frassetto, his law firm Gwire and Frassetto. All of the above, are persons, under law. Each person shall be referred by their last names, as required. Otherwise, they shall be referred to in abbreviated form as:
Fed. Conspirators, *Fed. Coconspirators*;
CA Conspirators, *CA Coconspirators*;
Private Conspirators; *Private Coconspirators;*
Collectively or all of them shall be referred to as; *All Real Parties in Interest.*

ARGUMENT FOR COURT'S CONSIDERATION OF 1st. QUESTION IN SUPPORT OF THIS WRIT & ASSERTIONS THAT VOID ORDERS IN U.S.C.A. CASES NO. 00-80100, NO. 01-70840; NO. 01-71183 AND 01-15850 WERE MADE IN CONSPIRACY WITH THE RACKETEERING ENTERPRISE IDENTIFIED HERE & IN CASE CV 00-20962

The evidence on the face of Order No. 01-80100, Appendix pg. 31, has to be examined, by reason of the fact that, it is void and could be vacated. It is clear that it's objective is malicious retaliation against a Pro Se litigant. It's purpose is clear; Obstruct Justice, with animus of discrimination, bias and prejudice against those who represent themselves, *"they are the enemy"*.

It is also clear that, it violates CRW's and ANW's inviolate Constitutional rights to due process, Trial by Jury, and 1st Amendment rights to free speech and to petition the Government for redress of grievances.

The same assertions and all argument apply to Orders in No. 01-70840, No. 01-71183 and 01-15850, as such, all arguments are adopted and made an intrinsic part of this Petition with regard to the three Cases cited in this paragraph, with comments and/or references to Appendix items throughout this Petition.

However, the list of cases in 01-80100 is

incomplete. The evidence is insufficient to make the fraudulent claim contained in the Order. Had the list been complete, no reasonable adult could have reached the Obstruction of Justice that, O'Scannlain reached, assertedly at behest of *RICO Enterprise*.

CRW and ANW, Petitioners, hereby, for purposes of this Extraordinary Writ of Prohibition and Mandamus, assert the following:

In violation of RICO, USC Sect. 1962(a)(b)(c)(d) *Private Conspirators* corrupted *Fed Conspirators* O'Scannlain and Gould in three RICO predicate acts of *racketeering activity*. O'Scannlain with Shaw, coerced Circuit Judge Silverman to join him in two RICO predicate acts of *racketeering activity*. Also, Shaw and O'Scannlain later coerced Hug, Pregerson and Wardlaw, into another predicate act of *racketeering activity*, based on the fact that, prior acts of *racketeering activity,* committed by HUG and Wardlaw, were accomplished with Coconspirators Rafeedie, Smith, Tevrizian and in the ND of CA, by Whyte and Patel, at behest of *RICO Enterprise*.

All their acts were Court Orders violating CRW's inviolate right to Trial by Jury, made in conspiracy with *RICO Enterprise,* to Obstruct Justice, restrain competition, in violation of RICO/ Antitrust statutes. *RICO Enterprise* could avoid accountability to Petitioners, only illegally, making asserted back room deals with "Judge Shopped" federal and state judges, shown later in this Petition.

All such acts gave rise to CRW & ANW filing this Petition for Extraordinary Writ of Prohibition and Mandamus against the 9th. Cir. Crt. of Appeals and it's BAP, focusing on 00-80100, as follows:

. The 1st. RICO Predicate Act committed by O'Scannlain & Gould is RICO Fraud, in 01-8011 is preceded by another committed by O'Scannlain, Gould and Silverman, six days earlier on June 13, 2001, U.S.C.A. Docket No. 01-70840. Both, O'Scannlain & Gould, committed both predicate acts

violating RICO, 18 USC Sect's. 1503, (relating to obstruction of justice); 1341(relating to mail fraud); 1343 (relating to wire fraud); 1510 (relating to obstruction of criminal investigation); 1511 (relating to the obstruction of state or local law enforcement); 1512 (relating to tampering with a witness, victim, or an informant); 1513 (relating to retaliating against a witness, victim or an informant);1951 (relating to interference with commerce, robbery, or extortion); 1952 (relating to racketeering); 1956 (relating to laundering of monetary instruments); 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

O'Scannlain and Gould, withheld evidence. O'Scannlain and Gould, had actual and constructive knowledge of the following facts, which they covered-up with malice of forethought, in their fraudulent Order made on JUN 19, 2001, Case No. 01-80100, to Further Obstruct Justice.

O'Scannlain & Gould, knew of the existance of the Bankruptcy Fraud Appeal from John G. Davies' Dist. Crt. in 1991, to the 9th. Cir. Crt. of Appeals, which CRW filed. They knew of the subsequent Obstruction of Justice that occurred there, in conspiracy with Charles S. Battles, Jr. of GD&C.

In short, CRW was deprived of his rights to compete in the commerce of litigation, for the first time in 1991, as a Pro Se litigant. Battles and GD&C, aided and abetted by Lasarow and his employer the United States, began their intended restriction of competition and *All Real Parties in Interest,* built their monopoly to monopolize federal and state courts, keeping CRW and ANW out, in violation of Title 15 USC Sect. 2. The Coconspirators, in fact, restrained trade, in the commerce of litigation, see [Dart Drug Corp. v. Parke, Davis & Co., (C.A.D.C. 1965), 244 F2d 173,120 U.S. App. D.C. 79]; also [Bank of Utah v. Commercial Sec. Bank, (C. A..10 Utah 1966), 369 F.2d 19, cert. denied 87 S. Ct. 1374, 386 U.S. 1018,

18 L.Ed. 2d 456].

In 1991, the 9th. Cir. Crt. of Appeals, conspired with Battles and GD&C, to cause CRW to be fraudulently eliminated from competition, on Appeal in all further matters in every other court, state or federal, from then on, to the present time. Subsequently, CRW's ability to compete in the commerce of litigation was totally eliminated in all federal and state courts, as is evidenced by "Kangaroo Courts" denying almost everything to, and Obstructing Justice for, Petitioners.

It was L&W's Walker and GD&C's Battles, illegal "*zealot like*" quest to avoid accountability for their wrongdoing. It was through that "*zealot like*" conspiracy that, all courts where CRW and ANW appeared, exercised illegal monopolistic, fraudulent controls over the outcome of all matters and causes, for L&W's and GD&C's benefit, at the expense of CRW and ANW.

CRW paid fees to all such courts, incurred significant costs, spent over 20 thousand hours of his time away from his own profession, where he could have easily earned $250 per hour. CRW forfeited that income, to plead his case for recovery, in reliance on the promise of guarantees found in, citations of Constitutional guarantees, all of which have been violated by 9th Cir. Courts.

CRW, was defrauded of his right to self representation, for 11 years, in violation of RICO statutes combined with violations of Antitrust statutes, shown later in this Petition. L&W, GD&C, the United States, Los Angeles and Monterey Counties, which are independent subdivisions of the State of California, excluded from 11th. Amendment by a recent decision of the S. Crt., and their employees, directly and indirectly caused CRW and ANW, civil damages of $267 million, including real property, plus pre judgment interest, costs and attorney fees, according to proof at Trial by Jury.

O'Scannlain & Gould, knew, but maliciously

hid the existance of CRW's 01-21-2000 Complaint known as, U.S.C.A. Docket No. 00-80015 made to Judicial Council of 9th. Cir. Crt.

That Complaint was made to disqualify Judge Whyte for mental disabilities, see Exhibit C-1, pgs. 25-34, followed by 01-20-2000 Judge Whyte's Order, Exhibit C-2 pages 35-49, in Appendix to Supreme Court Case 99-1316, filed on 02-04-2000. Chief Judge Hug, fraudulently covered-up the fact that, Judge Whyte is mentally incompetent to serve as a U.S. District Judge.

Same as in 1991, the 9th. Cir. Crt. of Appeals in Hug's Order acted in Conspiracy with Battles and *RICO Enterprise*.

Again, the 9th Cir. Crt. caused CRW to be fraudulently eliminated from competition, on Appeal. CRW's ability to compete in the commerce of litigation was eliminated again in that federal Court, as is evidenced by the continual "pattern" of Obstructing Justice, shown to have existed in that 11 year period, at the 9th Cir. Crt. and it's BAP.

Chief Judge Hug, allowed a mentally disabled judge to continue abusing CRW and ANW, in all subsequent Orders, which are all void and could be vacated by this Petition.

ADDITIONAL ARGUMENT FOR COURT'S CONSIDERATION OF 1st. QUESTION

The following factual basis of past exceptional circumstances, which warrant the exercise of the Court's discretionary powers to issue Discretionary Writ of Prohibition and Mandamus requested, show adequate relief cannot be obtained from any other court, pursuant to Rule 20.1.

BACKGROUND OF FRAUD, OBSTRUCTION OF JUSTICE & RESTRAINT OF COMPETITION IN THE COMMERCE OF LITIGATION:

Obstructions of Justice, starting in the *First Instance*, are pivotal violations of RICO, 18 USC Sect. 1503, and Antitrust, USC Sect's. 1-7 and Sect. 15. Bankruptcy Judge, in conspiracy with CA's. employees "State Actors," acting under color of law,

and private individuals, caused Bankruptcy Fraud, which in turn caused civil damages to Petitioners. BAP, on newly discovered evidence presented in CRW's Rule 60(b)(6) Motion, refused to hear and cure, the illegal Reorganization of Debtor. The following is a chronological list of Obstructions of Justice, fraud, restraining competition:

1991 - William J. Lasarow ("Lasarow") was Presiding Judge of the CD Bankruptcy Court, in the early nineties. He caused *Affirmatively Proven* Bankruptcy Fraud in Case No. LA 89-27014, in conspiracy with *RICO Enterprise*, in violation of RICO/Antitrust statutes.

1991 MAY 9, at approximately 4:30 p.m., in Federal Courthouse, 312 N. Spring St., Los Angeles CA, Debtors Counsel, John T. Janosik, presented Lasarow, in chambers, with Debtor Montevideo Partnership's request to convert it's status to Ch. 7, from Ch. 11. Lasarow signed the Conversion Order, see Debtor's Counsel, John T. Janosik's Declaration in Appendix, pg's. 38- 41.

1991 MAY 10, at approximately 8:30 a.m., in Federal Courthouse, 312 N. Spring St., Los Angeles CA. Lasarow in conspiracy with, the Sharon D. Lund Enterprise ("*RICO Enterprise*"), identified in Case CV 00-20962, refused to cancel scheduled hearing for reorganizing the Debtor, causing Obstruction of Justice. Lasarow's act constituted fraud, restraining competition, under Antitrust, USC 15 Sect's.1-7 and Sect. 15, as is pled later in this Petition.

1991 MAY 10, at the same time and place, instead of acknowledging his own Order, which Converted the Case to Ch. 7, Lasarow, in conspiracy with *RICO Enterprise*, attorneys, managers and controllers at GD&C, specifically Silverman, proceeded to hear, *RICO Enterprise's "Hostile Plan of Reorganization,"* without the required 20 day statutory Notice to hold hearing, for objections on converting back to Ch.11. Had there

been such a Noticed hearing, CRW would have been there to protect his $267 million investment.

That was deprivation of Petitioners due process in the *First Instance;* Obstruction of Justice, restraint of competition, and Bankruptcy Fraud by attorney Silverman. His acts, in conspiracy with Lasarow and *RICO Enterprise,* caused and constituted fraud under RICO/Antitrust laws. See CRW's Declaration in Appendix, pg's. 44 - 47.

1991 MAY 10, at the same time and place, Lasarow broke the law, by frustrating U.S. Congress' intent in making Ch. 7 available to Debtor, in circumstances exactly like Congress anticipated, where Bankruptcy Fraud was in process, to defraud creditors. *RICO Enterprise* caused an Obstruction of Justice, constituting fraud and a violation of RICO/Antitrust laws, see Janosik's Declar. Appendix at Pg's. 38- 41.

1991 - At a date unknown to Petitioner, by reason of the fact that, Notice of hearing to convert back to Ch 11, was not given and no such hearing took place. In secrecy from CRW and Janosik, Lasarow approved Reorganization of Debtor. Procedures Docket has been altered, with malice of forethought, to confuse the facts, at the direction of *RICO Enterprise's* Silverman, with Lasarow's approval. Their combined acts caused an Obstruction of Justice, restraining competition, constituting fraud, in violation of RICO/ Antitrust.

1991 - Petitioner was the largest creditor, in total dollars, of Debtor. Lasarow, had actual and constructive knowledge that, CRW had valid claims in the record, in excess of $21 million, prepared , by Debtors Counsel and CRW's attorneys at L&W. Lasarow, Obstructed Justice, in the *First Instance,* in conspiracy with *RICO Enterprise* and L&W, restraining competition, by illegally avoiding the disposition of CRW's $21 million valid creditor claims. In so doing, he deprived CRW of Constitutional guarantees cited. Lasarow willfully

refused to adjudicate creditor claims in conspiracy with *RICO Enterprise*. Lasarow aided and abetted criminal conduct of Battles and Silverman, causing Obstruction of Justice, by dissolving the CA Partnership. Lasarow's acts constituted fraud, under RICO, Bankruptcy, Antitrust laws. Lasarow, the U.S. Trustee, and the *RICO Enterprise* caused proximate and direct civil damages to CRW and ANW, in the sum of $267 million.

1991 - L&W with *RICO Enterprise* caused an Obstruction of Justice, constituting fraud and a violation of Antitrust, 15 USC Sect 15, as is pled later in this Petition, when they refused to attempt to overturn that illegal conversion, on Appeal, for reasons shown later in this Petition. Court's attention is called to S. Crt. Case 00-1211 pg's. 1-32, Case 99-1316 pg's. 1-15; Petition for Disposition of both Cases filed Oct. 29, 1999, including Vol. II pg's. 1-48; Cases No. 98 1924 & 98-1955. Also see [Handeem v. Lemaire, (8th Cir. 1970) 112 F3d 1339], and applicable footnote No. 2, pg. 11, S. Crt. Case 00-1211 and Janosik's Declaration, attached to Appendix at Pg's. 38 - 41.

1991 - U.S. Dist. Court, Judge David V. Kenyon, was picked at random, when CRW filed his Pro Se Appeal from Lasarow's Bankruptcy Fraud and illegal Reorganization of the Debtor.

1991 - CRW was delighted with the fact that a good, fair, impartial judge was picked, to hear the Appeal. CRW came home to his wife and told her the good news. But, before the day was over, a Clerk from C. Dist.Crt. telephoned CRW to tell him that Judge John G. Davies was reassigned to hear the Appeal. CRW objected, to no avail. Davies was "Judge Shopped" by Battles. Davies, in Conspiracy with Battles & *RICO Enterprise*, dismissed the Appeal on fraudulent procedural grounds, failing to enforce the law which made Reorganization of Debtor illegal, when Debtor was in Ch. 7.

Davies and *RICO Enterprise* caused an

Obstruction of Justice, restraint of competition, constituting fraud under RICO, Antitrust.

GD&C and Battles, *"judge shopped"* for Davies, knowing that Judge Kenyon would vacate Lasarow's illegal Plan of Reorganization.

"Judge Shopping" for Davies, and all other judges, to the present time, by *RICO Enterprise* proved to be a form of gambling, in which All Real Parties in Interest participated, including O'Scannlain, Gould and Silverman. Gambling with CRW's and ANW's property and money is a RICO criminal violation.

Davies agreed to be corrupted. Davies, had *actual and constructive knowledge* that, Debtors Reorganization was illegal, invalid and constituted Bankruptcy Fraud. CRW does not have the exact information on the date of that Opinion, nor it's copy. It was shredded by Alan Harris.[3]/

1991- After Davies denied CRW's Pro Se, Appeal. L&W refused to Appeal, to the 9th. Cir. by

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3/ Harris, who was purportedly CRW's attorney from SEP 24, 1997 to NOV 20, 1997 - had in his possession CRW's and ANW's property, consisting of 32 file boxes, containing over 14,000 pages of documentary evidence, that L&W did in fact, commit professional negligence and legal malpractice. Harris, refused CRW's demands to return the 32 boxes of evidence, after Harris quit. Harris apparently shredded, and/or otherwise destroyed, every page of that evidence. Some of the documents necessary to establish exactly "who, what,when and where" are not available to CRW. L&W, upon demand, refused to provide CRW with their copies. Since then, members of *RICO ENTERPRISE* tampered with and altered court records at: Bankruptcy Court, by Silverman; in Shook's Court, by his court reporter Joan Ekerling; and in Whyte's Court, by his court reporter Lee Ann Shortridge. CRW has some copies, but not all.

reason unknown to CRW at that time. Since July 1, 1986, L&W had concealed from CRW, irreconcilable conflicts of interest, purposely, with malice of forethought, when CRW first retained L&W, to represent him and his affiliated companies. CRW did not find out until early 1998, that L&W was representing, in irreconcilable conflicts of interest, Sharon Disney Lund's employer, the Walt Disney Co., at the same time L&W was representing CRW. S.Crt's. attention is called to Case No. 00-1211, *"Historical Background 1986-1992 BANKRUPTCY FRAUD PREVAILED IN THE FIRST INSTANCE"* PG'S 3 - 10, with emphasis on bottom of pg.3 to top of pg. 6. *RICO Enterprise* caused an Obstruction of Justice, fraud under RICO/Antitrust laws.

1991-1992 - CRW objected to Lasarow that, Debtor' Partnership failed to provide independent Debtors Counsel, to protect CRW's 77.44% ownership position in Debtor Partnership. Opposing counsel, Silverman, attorney at GD&C, in conflict of interest, illegally represented Reorganized Debtor, causing Chapter 7 Trustee to abandon liquidation of Debtor's assets, The result is, Lasarow Obstructed Justice, by failing to appoint independent counsel for Debtor, restraining competition in conspiracy with *RICO Enterprise's* Silverman, who committed Bankruptcy Fraud on Court. See S. Crt. Case 98-1955 and Appendix in separate Volume, pg's.23 -38 and pg's. 46-48. Lasarow's and Silverman's acts constituted fraud under RICO/Antitrust law.

1992 - Lasarow, on APR 2, 1992, Obstructed Justice when he fraudulently enforced the expired "Letter of Intent," dissolving the Debtor Partnership, without Debtors Counsel, without Jurisdiction. See S.Ct. Case No. 98-1955 5-25 and in separate Volume Appendix to 98-1955 pg's. 39-45. Lasarow's act constituted fraud and a violation of Antitrust USC Sect 15, as is pled later in this Petition, see Declaration of attorney, Z.M. Wojciechowski, in Appendix pg's. 41 - 44.

1992 - Lasarow, on JUL 8, 1992, Obstructed Justice by fraudulently signing the Stipulated Settlement, which illegally dissolved the Debtor Partnership, without Jurisdiction to do so. Only State of CA courts may dissolve California's Limited Partnerships, or marriages. Debtor is such a Partnership. See S. Crt. Case No. 98-1955 and Appendix in separate Volume, pg's.23 -38 and pg's. 46-48. Lasarow's act constituted fraud under RICO/ Antitrust law.

ACCRUAL OF ADDITIONAL VIOLATIONS OF CONSPIRATORS OF: RICO, CIVIL RIGHTS, ANTITRUST, SECURITIES FRAUD AND COMMON LAW FRAUD STATUTES:

1993 - Latham & Watkins "judge/venue shops," transferring malpractice case from Santa Monica, L.A. Co. Crt. to Central District, to Obstruct Justice and to restrain competition. Judge, John H. Leahy, after he found out what was required of him by L&W, recused himself from the case, he wanted nothing to do with L&W's fraud.

1994 - Latham & Watkins again "Judge Shops" State Judge, John P. Shook, to Obstruct Justice, to restrain competition, constituting fraud and a violation of Antitrust statutes.

1995 - Shook, Obstructs Justice for 3 years, eliminating needed Causes of Action, pled against L&W. Shook restrained competition, constituting fraud in violation of Antitrust statutes. Caught later by CRW, Shook recuses himself in 1998.

1995 - David Workman, in State Court, C D. of L.A. Co. Obstructed Justice, restrained competition on instructions from *RICO Enterprise's* GD&C attorneys, physically throwing CRW out of L.A. Co's. courtroom, because CRW filed "Amicus Curia Brief" to stop the sale of his 700 acre property, to L.A. Co., for a State Park, without compensation to him, in violation of the 5th. Amend. of U.S. Const. Workman restrained competition in the commerce of litigation, constituting fraud, in

violation of Antitrust statutes.

1996 FEB - *RICO Enterprise* reopened Bankruptcy Case in retaliation against Victim, CRW, who filed suit in Monterey County Court. Sharon Disney Lund, had passed away by this time. GD&C, defrauded her heirs and successors by having them pay GD&C's fees for criminal acts, Obstruction Justice, under RICO, Antitrust law, to cover-up GD&C's, illegal Racketeering/Antitrust activity. GD&C was paid legal fees to cover up their own crimes.

1996 APR - Calvin K. Ashland, was "Judge Shopped" by Battles and GD&C, to hear a non existent OSC in Bankruptcy Court. CRW was not in Contempt of Court. He was attempting to legally recover what *RICO Enterprise* illegally took from him, in the *First Instance*.. Ashland agreed with Battles and *RICO Enterprise's* Silverman to feloniously declare CRW in Contempt of Court. There is no Contempt, when a victim is defrauded of $267 million. The Bankruptcy Order in question, failed to comply with FRCP Rule 65(d). Contempt was impossible, under those circumstances. Contempt was manufactured by *RICO Enterprise*, to slander CRW, and to Obstruct his legal recovery of $267 million which *RICO Enterprise* stole.

1997- OCT 30 - Rafeedie, on Appeal, D.C. Case CV 97 00826 ER refuses to admit that there was no contempt. Rafeedie clearly acknowledged that, in fact, there was no contempt, based on evidence provided, but not considered for it's factual and legal basis. Rafeedie with Battles, Silverman in conspiracy with *RICO Enterprise* cause an Obstruction of Justice, restraint of competition, fraud under RICO/Antitrust law, see S. Crt. Case No. 98-1924 for additional facts regarding nonexistent contempt at pg's. 2-30,

1998 JUN 11 - 9th. Cir.Crt. Appellate Commissioner, Peter L. Shaw Obstructs Justice, in conspiracy with *RICO Enterprise*, dismissing,

without Jurisdiction and without a requested hearing, CRW's Rule 60 (b) Motion. Shaw, Obstructed Justice, restrained competition, in the 9th Cir. Crt. of Appeals in the commerce of litigation, in violation of RICO/Antitrust statutes.

1998 - DEC 17, CRW files RICO Action, in San Jose Dist. Crt. GD&C's Battles goes "Judge Shopping," again. GD&C buys Whyte's services, who immediately Obstructs Justice, by usurping the case from the Hon. Jeremy Fogel. Fogel, was picked at random by Clerk. Ever since then, to the present time, on objection to Whyte's role, in every case involving CRW, even when other judges were picked at random, Whyte refused to pass or disqualify himself. Whyte is a mentally disturbed "Zealot" restraining competition in Federal Court, in conspiracy with *RICO Enterprise*.

Whyte, with his former clerk, Adrianna Kratzmann; Court Reporter, Lee Ann Shortridge; his current clerk and other federal employees, under color of law, with animus of discrimination and "loathing" expressed by Whyte, in negative Orders made against CRW and ANW, violated CRW's inviolate right to Trial by Jury, in the continued monopoly, described herein.

Whyte and his employees, violated Antitrust statutes, in a continual pattern of *racketeering activity* which shall be completely shown in briefing this Petition, See CV 00-20962, in Ted Olson's file.

1999 - GD&C's Battles "Judge Shops" Smith. Battles buys Smith's services to Obstruct Justice, by holding hearing to designate CRW a vexatious litigant, without Notice. Obstructing Justice and restraining competition, under RICO/Antitrust laws.

CRW, Appeals to BAP, de novo. BAP refuses to examine de novo, in conspiracy with *RICO Enterprise*. CRW, Appeals to 9th. Cir. Crt. of Appeals. 9th. Cir. dismisses Appeal, in conspiracy with Shaw, *RICO Enterprise* and GD&C.

1999 - Ronald M. Whyte continues to

Obstruct Justice, in the same pattern of *racketeering activity* described above. This time he becomes the attorney, defending *RICO Enterprise* members including himself, in Case CV 99-2136.

1999 - 9th Cir. Crt. of Appeals, Obstructs Justice, denying Appeal affirming slander against CRW's reputation, to Obstruct Justice, by falsely upholding Contempt Order. In so doing, 9th. Cir. Crt. of Appeals and it's Circuit Judges, in conspiracy with *RICO Enterprise*, GD&C and other Conspirators and Coconspirators named, restrain competition, in the commerce of litigation, through their continuing Monopoly, practiced on CRW and ANW, in violation of RICO Antitrust statutes.

1999 - Supreme Court denies Certiorari in Cases 98-1924 and 98 -1955.

1999- CRW files Action asking Whyte to recuse himself, instead Whyte dismisses case without any objections from Defendants, Real Parties in Interest here.

1999 - Berle replaces recused Shook, continues retaliating against CRW and ANW, knowing CRW and ANW were never served with summons. Berle fraudulently declares CRW & ANW in Default. That is tampering with a victim, under RICO and restraint of competition under Antitrust law.

2000 - CRW files RICO, Civil Rights/ Antitrust, etc . Case No. CV 00-2096 asking Whyte to recuse himself and/or asking reassignment committee to reassign this case to Judge Fogel, the Rightful Presiding Judge.

2001- Whyte, dismisses CV 00-20962, after he recuses himself. Patel takes over illegally, lacking Jurisdiction. CRW, objects. Patel illegally dismisses Federal Judges, then illegally hands back the case to Whyte. That dismissal is void and could be vacated, in this Petition see Appendix pg's. 54-58.

2001 MAY 2 - Ninth Cir. accepts Notice of Appeal and fee paid by CRW, establishes Briefing

Schedule, Docket No. 01-15850 lower court CV 00-20962, then dismisses Appeal. That order is void and could be vacated in this Petition, by reason of the fact that it constitutes Obstruction of Justice, fraud under RICO/Antitrust law.

2001 - Ninth Circuit affirms vexatious Order by "Judge Shopped" Circuit Judges. That order is void and could be vacated in this Petition, by reason of the fact that it constitutes Obstruction of Justice, fraud under RICO/Antitrust law.

2001- BAP, Obstructing Justice remands Harris Case, against CRW and ANW, back to state court. CRW, removes to CD, CA, pays fees. L&W, over the weekend, "Judge Shops" Dickran Tevrizian, in conspiracy, with *RICO Enterprise*. Without objection and without a hearing, on Monday, Tevrizian remands Removed Case, illegally to State Court. CRW, makes Motion for a Three Judge Panel to reconsider Tevrizian's void Order. Motion is rejected almost immediately, without objection, without hearing. Those orders are void and could be vacated in this Petition, by reason of the fact that they constitutes Obstruction of Justice, fraud under RICO/Antitrust law.

2001- State court grants Harris leave to Amend, file and serve FAC.

2002- BAP Obstructs Justice by refusing to hear Rule 60 (b) (6) Motion based on CRW's newly discovered evidence. That void Order could be vacated in this Petition, by reason of the fact that it constitutes Obstruction of Justice, fraud under RICO/Antitrust law.

2002 MAY 9, CRW & ANW remove Harris' amended state Case and ancillary Case at CA Crt. of Appeal, to BAP for Transfer to ND CA, San Jose Div., for Trial by Jury, by reason of the fact that, they are Defendants, and the San Jose Div., is the only venue and where personal Jurisdiction exists. Clerk, instead assigns Removed cases to a Magistrate Judge, in CD of CA. CRW and ANW

Motion court to hand over Removed Cases for Transfer by the seven Judge Judicial Panel on Multi District Litigation, see Appendix, pg's. 58-62.

ADDITIONAL REFERENCES IN SUPPORT OF THIS PETITION:

For subject matter in related Writs for Mandamus, constituting Docket No's. 01-70840 and 01-71183 intrinsically related to identified Bankruptcy Fraud in the *First Instance,* in Docket No. 01-70840, DC # -01-3357 DT(RCx): see Appendix pg's. 52- 53.

For subject matter in related Docket No's. Docket No. 001-71183, DC#CV-00-20962 intrinsically related to identified Bankruptcy Fraud in the *First Instance,* in Docket No. 01-70840, DC # -01-3357 DT(RCx): see Appendix pg's. 54- 58.

For additional background information, and documentary evidence, of Bankruptcy Fraud in the *FIRST INSTANCE*, and continued Bankruptcy Fraud, at all relevant times, up to NOV 20, 2000, Petitioner's, direct Court's attention to Court's records, previous Supreme Court Cases: 98-1924; 98-1955; 99-1316; 00-1211. Petitioner's papers objecting to the above Orders will be provided at briefing.

FACTUAL BASIS OF CURRENT OBSTRUCTION OF JUSTICE

Essentially, Fraud, in 1991 continuing continually through the present time, is the determining factor in this Petition. United States v. Throckmorton (1878) 98 U.S. 61, is, the "Law of the Case," see S. Ct. Case 98-1924 pg. 14-20. As such, *RICO ENTERPRISE'S fraud* caused a continual stream of Obstructions of Justice, constituting deprivation of due process under Title 42 USC Sect's. 1983, 1985 and 1986 and violations of RICO /Antitrust statutes.

To CRW's and ANW's knowledge, the only judges at the 9th Cir. Crt. of Appeals, who are

impartial, not biased or prejudiced, nor discriminate against Pro Se litigants, as experienced by CRW & ANW are, Senior Circuit Judges: The Hon. William C. Canby "(Canby") and The Hon. Jerome Farris ("Farris").

Canby and Farris constituted a Motions Panel, early on, in Docket No. 00-15135.

Canby & Farris, were assigned to the first Motion filed in that Appeal. Canby and Farris afforded CRW, the first and only unbiased determination, in the 11 year stream of Obstruction of Justice. CRW and ANW believe that, to be the determining factor in this Petition. It is extremely valuable for the Supreme Court to examine the facts surrounding that Motion, during full briefing in this Petition. CRW and ANW believe such a review will be in aid of Court's appellate jurisdiction, in this Petition. A portion of that Motion is quoted in Appendix, for ease of reference see pg's. 47- 52:

CRW found that FRAP Rules and 9th Cir.'s General Order 3.6 are consistent in supporting "Come Back Cases" to the same Motions Panel. CRW, expected equal protection under such rules. He got the opposite, Obstruction of Justice from another "Judge Shopped" panel.

CRW and ANW believe that, Shaw, 9th. Cir. Appellate Commissioner, was corrupted by *RICO Enterprise,* to deprive CRW of any and all benefits of "Come Back" to Canby and Farris in, any and all subsequent matters at the 9th. Cir. Shaw knew that Canby and Farris, would not Obstruct Justice, on demand by the *RICO Enterprise.*

The record will show that CRW strenuously objected, to having different "Judge Shopped Judges" hear subsequent matters. Shaw, ignored CRW's objections. Shaw, on behalf of the 9th Cir. Crt. of Appeals and the United States, foreclosed CRW's and ANW's guaranteed rights under cited Constitutional guarantees.

DISCUSSION ON THE POSITION

THE SUPREME COURT HAS TAKEN ON ACCRUAL IN RACKETEER ACTIVITY:

From what Petitioners found in Paul Batista's Second Edition and 2000 Cumulative Supplement to "Civil RICO Practice Manual", it is their opinion that, Case CV 00-20962 and this Petition, survive Supreme Court's Partial Resolution of the "Accrual Debate" and the death of "Last Predicate Act" Approach, by reason of the facts that:

- Price v. Pinnacle Brands, Inc., 138 F. 3d 602 (5th Cir. 1998) and Petitioners Case, CV 00-20962, agree that racketeering injury must be present through accrual periods. CRW & ANW plead in this Petition that, every year since 1991, federal and state courts were injuring CRW and ANW, in their property and monies, by depriving them from the use of their illegally taken investment and real property.

In the quotation mentioned above, Appendix at pg. 47-52, calculations show CRW and ANW, every year the lost $1,761,447.70 per year or $29,357.46 per day in unearned interest on illegally taken assets, from Obstruction of Justice, in violation of RICO, 18 USC Sect. 1503. *RICO Enterprise's* acts constitute gambling, prohibited under RICO, 18 USC Sect. 1084. Any decision made on "what if's" regarding money and real property is regarded by a vast majority of reasonable adults as a gamble. All Real Parties in Interest were involved in criminal acts, gambled with $29,357.46 per day, of CRW & ANW money, which is prohibited by law.

Here and in Case CV 00-20962, Petitioners, CRW and ANW, establish that daily injury in money and property accrues to them, as a direct result of continual Obstructions of Justice and restraint of competition in the commerce of litigation by, *RICO Enterprise,* acting in Conspiracy with named coconspirators, including named federal and state courts.

Furthermore, the death of the "Last Predicate

Act" does not apply here nor in Case CV 00-20962, by reason of the fact that, "*the same pattern of racketeering activity*" since 1991, continued every year to the present time, as is asserted here and in [Keystone Insurance Co. v. Houghton, (3rd Cir. 1988) 863 F.2d 1125,1130]. There, "***.. the accrual period shall run from the time when Plaintiff knew or should have known of the last injury or the last predicate act which is part of the same pattern of racketeering activity. The last predicate act need not have resulted in injury to the plaintiff but must be part of the same pattern.***"

Here we have both, constant daily injury to Petitioners at the rate of $29,357.46 per day. That combined with the same identical repeated pattern of, "Judge Shopping" "Obstructing Justice" "Restraining of Competition, through Monopoly" in federal and state courts from California to Washington D.C., in violation of RICO 18 USC Sect. 1503, under Antitrust law, including violating under RICO, 18 USC Sect's. 1341; 1343; 1510; 1511; 1512; 1513; 1951; 1952 and 1957.

In addition to the above assertions and those in Case No. CV 00-20962, Notice is given to the Supreme Court and all interested parties that here a "Merger" exists between RICO and Antitrust Conspiracy. Both are entwined with each predicate act of the other.

CRW's business, for the last 10 years, has been nothing but litigation in state and federal Court, to recover his $267 million, taken from him illegally by RICO/Antitrust conspiracy. Therefore, CRW was injured in his business, daily, because justice was obstructed at the rate of $29,357.46 per day, or $1,761,447.70 per year, in continuing RICO /Antitrust violations, which means that CRW and ANW are entitled to a Trial by Jury, in San Jose District Court, in the impartial tribunal of the Hon. Jeremy Fogel, and are statutorily granted nine fold

actual damages, according to proof at trial.

VIOLATION OF ANTITRUST, USC 15 SECT'S 1-7 AND SECT. 15, IN BAP CASE 00-1627 & 00- 1213

Charles R. Schwab, The Charles Schwab Corporation, Successor in Interest to: U.S. Trust Co. N.A., The Estate of Lillian B. Disney, Trustees and Executors, Robert L. Wilson, et. al., collectively hereinafter referred to as "Lillian's Group" joined with, *All Related Parties* to defraud CRW from recovering his $112+ million in valid Probate Claims, Removed to Bankruptcy Court, under 28 USC Sect. 1443, with companion related State Court Cases, where CRW and ANW are named Defendants. E.A. Smith, through "*racketeering activity*," fraudulently remanded Removed Cases. Both were Appealed to BAP, as Cases CC 00 -1627 and CC 00-1213.

All of the above acts, by the same persons above, gave rise to CRW & ANW filing this Extraordinary Writ of Prohibition and Mandamus against the 9th. Cir. Crt. of Appeals and it's BAP, by reason of the facts that, they restrained trade in state and federal court, destroying competition and monopolizing commerce of litigation for CRW & ANW, in conspiracy with and in combination with the United States, it's employees, under color of law, Los Angeles and Monterey Counties, their employees who acted under color of law as "State Actors," the Supreme Court of the United States, in Washington D.C., it's employees, under color of law, all together they produced adverse anticompetative effects; in interstate markets, within all courts identified here; objects of and their conduct pursuant to their agreement to defraud and conspire were illegal; as a direct and proximate result of their acts, committed in conspiracy with, the other Coconspirators named here, Petitioners, CRW and ANW, were injured in their property in in excess of $200 million in violation Antitrust, 15 USC Sect's. 1-7 and Sect. 15 See [Tarrant Service Agency, Inc. v. American Standard, Inc. (C.A. 6 Ky. 1993)12 F.3d

609, cert. denied 114 S.Crt. 2709, 129 L. Ed.. 2d 836] - A contract, combination or conspiracy as has existed since 1991 through the present time, in combination with the *RICO Enterprise*, identified above is an essential element of a violation of Sect's 1-7 of Title 15. See [Weir v. Chicago Plastering Institute, (C.A. 7 ILL 1959), 272 F.2d 833]; also see [Fabert Motors, Inc. v. Ford Motor Co., (C.A. 7 ILL 1966), 355 F.2d 888, cert. denied 86 S.Ct. 1462, 384 U.S. 939, 16 L.Ed. 2d 539, rehearing denied 86 S.Ct. 1585, 384 U.S. 967, 16 L. Ed. 2d 679].

All persons in the above group, had actual and constructive knowledge of: Antitrust and Securities Fraud violations since 1991, in the *First Instance*, continuing to the present time. Petitioners, CRW and ANW, believe that, the de-facto "*Merger of RICO and Antitrust Conspiracy*" identified here, between the three "*behemoth law firms*" - GD&C, L&W, O'& M and the smaller law firms HF&B, H&R, G&F and FK&S, with named federal and state courts, constitutes a Monopoly in restraint of trade or commerce, unreasonable by reason of the facts that; no lawyer or firms in California (North and South), could see his or her way into prevailing in California State Courts and/or Federal Courts in the Ninth Circuits, including it's Court of Appeal, against such a Monopoly.

The "Merged" Monopoly, described in the proceeding paragraph, which exists at the present time, is a violation of Title 15 USC Sect. 18. The effect of that "Merged" Monopoly, constitutes a collaborative effort, through agreement, to create a Monopoly exclusive of CRW & ANW, because they are Pro Se litigants, restrained not only from commerce of litigation for fees under the Private Attorney General Doctrine, but also CRW and ANW have been restrained from guaranteed Constitutional rights, cited above. That, form of Monopoly, is abhorrent, and constitutes "Domestic Terrorism", subject to the strictest criminal

penalties available. It is a sham on the legal profession, having hundreds of lawyers and judges aware of what has gone on illegally, to the degree exposed here, without the will to intervene, to stop killing people's rights. See S.Crt. Case 99-1316, Appendix, Exhibit C-1 pg's. 25 -49 and S.Crt. Case 00-1211, Appendix pg's 46-56.

For other assertions regarding other Conspirators and Coconspirators acts of Racketeering Activity, Civil Rights Deprivations, Antitrust Conspiracy, Securities Fraud Conspiracy and Common Law Fraud assertions, see copy of Case CV. 00-20962. The Solicitor General, was served with a copy, and has it in his files, available to the Supreme Court. Petitioners, do not want to add more paper to Court's files, unnecessarily.

ARGUMENT AS TO 1st. QUESTION, RE ANTITRUST VIOLATIONS.

CRW and ANW, assert the following: CRW and ANW, at all relevant times were "persons" within the meaning of ANTITRUST, USC 15 Sect's. 1-7 and Sect 15.

At all relevant times, Private Conspirators with Shaw, O'Scannlain, Silverman, Gould, Hug, Pregerson, Wardlaw, Perris, Brandt, Marlar, Montali, Klein, Smith, Shook, Berle, Ross, Antonovich, and their Coconspirators were acting as persons within the meaning of Antitrust 15 USC Sect's. 1-7 and Sect 15.

At all relevant times, the same persons identified above, joined an association in fact for the purpose of defrauding CRW and ANW, in violation Title 15 USC Sect's. 1-7 and Sect 15. This association-in-fact was and is the *RICO Enterprise* known as the Sharon D. Lund Enterprise, named in RICO/Antitrust Action Case No. CV 00-20962.

At all relevant times, the same persons identified above with the *RICO Enterprise* engaged in, and it's activities affected, interstate and foreign commerce, within the meaning of, Title 15, USC

Sect's. 1-7 and Sect 15.

At all relevant times, the same persons identified above and the other Coconspirators associated with the *RICO Enterprise* in Case CV 00-20962, conducted or participated, directly or indirectly, in conduct of *RICO Enterprise's* affairs through a *"pattern of Antitrust Securities Fraud activity"* within the meaning of Title 15, USC 15 Sect's. 1-7 and Sect 15.

Specifically, at all relevant times, the same persons identified above and the other Coconspirators associated with the *RICO Enterprise* in Case CV 00-20962, engaged in *"racketeering activity"* within the meaning of RICO, 18 USC Sect.1961(5) in violation of RICO 18 1962(c), by engaging in the acts set fort above. The acts set forth above, constitute a violation of one or more RICO statutes, cited above. The same persons identified above, and the other Conspirators associated with the *RICO Enterprise* in Case CV 00-20962, each committed and/or aided and abetted the commission of two or more of these acts of *racketeering activity*.

The acts of RICO Fraud activity referred to in the previous paragraph constituted a *"Merged pattern of Antitrust / activity"* within the meaning of Title 15 USC 15 Sect's. 1-7 and Sect 15. The acts alleged were related to each other and to above RICO acts by virtue of common participants, a common victim (CRW and ANW), a common method of commission, of Obstructing Justice in federal and state courts and the common purpose and common result of defrauding CRW and ANW of recovering $267 million, including real property valued at $110 million, and enriching the conspirators at CRW's and ANW's expense, while concealing the Conspirators' fraudulent activities, to deny CRW and ANW their inviolate rights to Trial by Jury

The fraudulent scheme, continued since 1991

to the present time, Obstructing Justice for CRW and ANW and threatens to continue longer, but for the Supreme Court's power to intervene at this time through this Extraordinary Writ of Prohibition and Mandamus, to stop *racketeering/antitrust activity* at the 9th. Cir. Crt. of Appeals, and allow CRW and ANW to amend their Complaint in CV 00-20962, for Trial by Jury, to recover their losses, set forth herein.

As a result, the same persons identified above and the other Coconspirators associated with *RICO Enterprise* in Case CV 00-20962, violated RICO, 18 USC Sect. 1962(c) merged with violations of Title 15, USC Sect's. 1-7 and Sect 15, as a direct and proximate result of such violations, CRW and ANW, lost a total of $267 million in the combined fraudulent scheme, of RICO/Antitrust Fraud.

As a result of their misconduct, all Real Parties in Interest are liable to CRW and ANW, for their losses in an amount to be determined at Trial by Jury, including prejudgment interest, in Case No. 00-20962.

Pursuant to RICO, 18 USC Sect. 1964(c) and Title 15, USC Sect's. 1-7 and Sect. 15, CRW and ANW, are entitled to recover ninefold their damages plus costs and attorneys' fees from all Real Parties in Interest, in Case CV 00-20962.

FOR COURT' S CONSIDERATION OF 2nd. QUESTION, THE ABOVE FACTUAL BASIS OF PAST EXCEPTIONAL CIRCUMSTANCES WHICH WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS TO ISSUE WRIT OF PROHIBITION AND MANDAMUS REQUESTED, SHOWING ADEQUATE RELIEF CANNOT BE OBTAINED FROM ANY OTHER COURT PURSUANT TO RULE 20.1.

In the event Court agrees with Petitioners, CRW and ANW, in their Arguments as to the 1st Question, then Court could grant named Defendants in Removed Cases, who are CRW & ANW, their

guarantees in the Constitutions of California and the United States, to stand in Jury Trial defending themselves, in "One Civil Action" pursuant to Federal Rules of Civil Procedures, in an impartial tribunal where personal and subject matter Jurisdiction lies, See JPMDL Exhibit in Appendix pg's. 58 - 62, which is adopted herein as an intrinsic part of this argument.

FOR COURT' S CONSIDERATION OF THE 3RD QUESTION - THE ABOVE FACTUAL BASIS OF PAST EXCEPTIONAL CIRCUMSTANCES WHICH WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS TO ISSUE WRIT OF PROHIBITION AND MANDAMUS REQUESTED, SHOWING ADEQUATE RELIEF CANNOT BE OBTAINED FROM ANY OTHER COURT PURSUANT TO RULE 20.1.

BAP is the last Court that, refused to hold hearing and fully adjudicate CRW's Rule 60(b)(6) Motion. In the event Court agrees with CRW's & ANW's Argument that, Bankruptcy Fraud in the *First Instance* caused 11 years of Obstructions of Justice, including 9th Cir.. Courts and/or BAP's failure to proceed on Rule 60(b)(6) Motion.. Then, the Court could grant Petitioners their rights to be reimbursed for all costs and losses they incurred during those 11 years of litigation.

After all, CRW, without a doubt, tried to bring this controversy to an end, through numerous settlement proposals, including one that is still satisfactory and available, made to the Solicitor General, Ted Olson, the F.B.I. Director, Robert Mueller III and David Walker, Director of GAO.

It is not CRW's and ANW's fault that these matters have not yet been settled.

CRW and ANW are entitled to the benefits of the Indemnity Agreement, a copy of which was provided to BAP in CRW's Opening Brief on Appeal. Also they are entitled to Trial by Jury, in which they should have a choice of legal representation, paid for by that Indemnity Agreement, because CRW will be

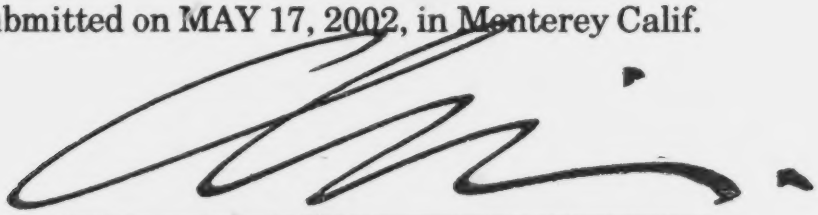
reinstated as the 77.44% successor in interest to General Partner, in the Debtor Partnership.

CONCLUSION:

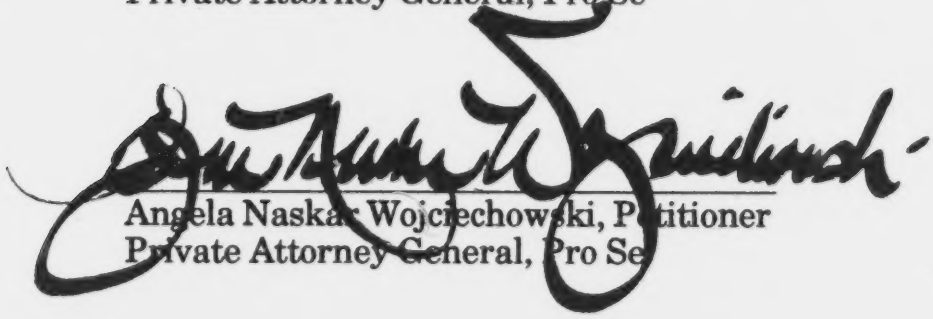
Petitioners, CRW & ANW, pray judgment of Court to grant them the relief, guaranteed by California and U.S. Constitutions, Trial by Jury, to defend themselves in ND, CA, U.S. Dist. Crt., San Jose Div. of the Hon. Jeremy Fogel, where they can avail themselves of the impartial tribunal in "One Civil Action", to Pro Se recover what had been illegally taken from them.

Petitioners pray Judgment of Court to grant them all relief requested in this Petition, including immediate relief requested under Rule 11 and such other relief as the Court deems just and proper, in this Writ proceeding, to stop new Obstructions of Justice, through all 9th Cir. Court's.

Submitted on MAY 17, 2002, in Monterey Calif.



Christopher R. Wojciechowski, Petitioner
Private Attorney General, Pro Se



Angela Naskar Wojciechowski, Petitioner
Private Attorney General, Pro Se

APPENDIX:

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
JUN 19 2001

Cathy A. Catterson, Clerk
U.S. COURT OF APPEALS

In re: Christopher R. Wojciechowski,

No. 01-80100

Respondent

ORDER

Before: O'SCANNLAIN and GOULD, Circuit Judges

This court's records reflect that, since 1992, respondent Christopher R. Wojciechowski has initiated the following litigation in this court:

92-55629- dismissed for lack of jurisdiction;
92-55634-dismissed for lack of jurisdiction;
97-16195-affirmed without argument;
97-16196-affirmed without argument;
97-16197-affirmed without argument;
97-16198-dismissed as duplicative;
97-56654-affirmed without argument;
98-15647-dismissed for lack of jurisdiction;
99-15702-affirmed without argument;
99-55284-dismissed for lack of jurisdiction;
00-15135-dismissed in part, affirmed in part;
00-56556-appeal pending;
00-70034-petition denied;
00-70779-petition denied; and
01-15850- appeal pending,

Respondent's practice of burdening this court with

meritless litigation justifies careful oversight of respondent's future litigation in this court.

The Supreme Court has recognized that "every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the [c]ourt's responsibility is to see that these resources are allocated in a way that promotes the interests of justice. The continual processing of the [appellant's] frivolous requests... does not promote that end." In re McDonald, 489 U.S. 180, 184 (1989). This court faces the same problems of limited resources in handling its large volume of appellate litigation.

Therefore, the respondent, Christopher R. Wojciechowski, shall respond and show cause within 14 days of the entry of this order why this court should not enter the following pre-filing review order. See Visser v. California, 919 F.2d 113, 114 (9th Cir. 1990) ("This court has the inherent power to restrict a litigant's ability to commence abusive litigation"). If respondent fails to file a timely response to this order, the Clerk shall forthwith enter the pre-filing review order regardless of further filings by respondent.

Should the pre-filing review order be entered, respondent's failure to comply with the order shall result in any new appeal(s) he seeks to file being dismissed or not being filed and other sanctions being levied against respondent, such as a monetary judgment or a judgment of contempt, as the court may deem appropriate.

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all notices of appeal and petitions for extraordinary writs filed by respondent, in whole or in part, if he proceeds pro se. This order shall not apply to appeals of petitions in which respondent has counsel or where the district court has expressly certified in its order that the appeal or petition is not frivolous.

Should respondent fail to comply with any of the provisions of this pre-filing review order, the Clerk shall not file the document and shall return the document to respondent, informing him of the deficiencies and granting him 14 days to correct the deficiency.

(2) Each notice of appeal or petition filed by respondent shall comply with the requirements of the Ninth Circuit Court and the Federal Rules of Civil and Appellate Procedure, especially Federal Rule of Civil Procedure 54(b) and Federal Rule of Appellate Procedure 4(a), and shall contain the following sentence in capital letters "THIS NOTICE OFF APPEAL/PETITION IS FILED SUBJECT TO PRE-FILING REVIEW ORDER No. 01-80100" in the body of the notice of appeal or petition.

(3) Each of respondent's future notices of appeal and petitions shall include a copy of the order(s) of the district court from which he is appealing, a short and plain statement of the facts or law on which he will rely for the purposes of the appeal, and a statement that he has not previously appealed this order or raised this issue in a prior appeal or petition.

(4) If respondent's future notices of appeal and petitions are submitted in compliance with this order, the Clerk shall lodge the notice of appeal or petition and accompanying documents. The Clerk shall not file the appeal or petition or establish a presumptive schedule for the certificate of record, briefing, or transcripts except upon further order of the court. Accord Sassower v. Sansverie, 885 F.2d 9, 10-111 (2d Cir. 1989) (clerk "to refuse to accept for filing any submissions from [appellant] unless he has first obtained leave of the court of file such papers'). The court will review respondent's submissions and determine whether they merit further review and whether they should be filed.

(5) This pre-filing review order shall remain in effect until further order of this court. Respondent

may, no earlier than June 1, 2003, petition the court to life this pre-filing review order, setting forth the reasons why the order should be lifted.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
JAN 30 2002

Cathy A. Catterson, Clerk
U.S. COURT OF APPEALS

In re: Christopher R. Wojciechowski,

No. 01-70840
DC#CV-01-3357-DT
Central California

CHRISTOPHER R. WOJCIECHOWSKI,
Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA,
Respondent,

WILLIAM H. MEESKE; et. al.,
Real Parties in Interest.

Before:O'SCANNLAIN, SILVERMAN and GOULD, Circuit Judges

The motion for reconsideration of this court's June 13, 2001, order-including the request to present the matter to another panel- is denied. *See* 9th Cir. R. 27-10. All other pending motions are denied as

moot.

No further motions for reconsideration, rehearing, clarification, or any other submissions shall be filed or entertained in this closed docket.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
JUN 13 2001

Cathy A. Catterson, Clerk
U.S. COURT OF APPEALS

In re: Christopher R. Wojciechowski,

No. 01-70840
DC#CV-01-3357-DT
Central California

CHRISTOPHER R. WOJCIECHOWSKI,
Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF
CALIFORNIA,
Respondent,

WILLIAM H. MEESKE; et. al.,
Real Parties in Interest.

Before:O'SCANNLAIN, SILVERMAN and GOULD, Circuit Judges

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus.

See Bauman v. United States Dist. Court, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied. Petitioner's June 12, 2001, emergency motion is denied as moot.

DENIED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
DEC 20 2001

Cathy A. Catterson, Clerk
U.S. COURT OF APPEALS

In re: Christopher R. Wojciechowski,

No. 01-71183
DC#CV-00-20962
Northern District of California (San Jose)

CHRISTOPHER R. WOJCIECHOWSKI,
Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,
Respondent,

CHARLES R. SCHWAB,
Real Parties in Interest.

Before: HUG, PREGERSON and WARDLAW, Circuit Judges

The court has reviewed petitioner's document

entitled "Petition for Rehearing Petition for Writ of Mandamus," filed on September 21, 2001, as well as petitioner's supplement, received on October 4, 2001, which the Clerk is directed to file. Petitioner's submissions are construed as a motion for reconsideration of this court's September 14, 2001, order. So construed, the motion is denied. *See* 9th Cir. R. 27-10.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
MAR 24 2000

Cathy A. Catterson, Clerk
U.S. COURT OF APPEALS

No. 00-15135
DC#CV-98-21139-RMW
Northern California
(San Jose)

CHRISTOPHER R. WOJCIECHOWSKI,
Plaintiff-Appellant,

v. ORDER

WALT DISNEY CONCERT HALL NO. 1, et al.,
Defendants-Appellees.

Before: FARRIS and CANBY, Circuit Judges

Appellees' motions to dismiss this appeal for lack of jurisdiction are denied. Appellant's notice of appeal was filed within 60 days from entry of the October 27, 1999 order denying appellant's timely

motions for reconsideration of the judgment. *See* Fed. R. App. P. 4(a)(1) (appellant has 60 days to file notice of appeal where federal employee is a party to action).

The February 11, 2000 order to show cause is vacated. Appellant's brief is due April 24, 2000. Appellees' answering briefs are due May 24, 2000. Appellant's optional reply brief is due 14 days from service of the answering briefs.

DECLARATION OF JOHN T. JANOSIK IN SUPPORT OF PETITIONER'S MOTION FOR CONSOLIDATION OF CASES

I, JOHN T. JANOSIK, declare under penalty of perjury and under the laws of the United States as follows: If called upon as a witness, I could competently testify to the following facts of my own knowledge:

1. I am an attorney admitted to practice before all the Courts in California.

2. I was Debtor's Counsel for the Montevideo Partnership in the Chapter 11 Case, No. LA 89-27014WL, from the time I filed the Petition papers on 12-6-89, until Judge Lasarow mistakenly approved the hostile Plan of Reorganization on May 10, 1991, while the case was in Chapter 7. Regardless of that legal error, I did nothing on behalf of the Debtor Partnership after that except, offer to withdraw as Debtor's Counsel as of the effective date of the Plan. At that time my role as Counsel for the Debtor Partnership ceased to exist. The new General Partner and the Debtor were controlled and managed by Gibson Dunn & Crutcher attorney's. There were no other attorneys, to my knowledge, who took care of all the necessary legal and administrative work that was done, and continued to be performed until the Partnership was discharged from bankruptcy, other than the lawyers

at Gibson Dunn & Crutcher. Bennett L. Silverman was the lead attorney. Apparently, he took over my duties. There was no independent attorney appointed in the Case by the New General Partner to look after the Debtor Partnership's interests or the interest of the majority partner Mr. Wojciechowski.

3. Between August 21, 1991, and the closing of the Case, Sharon Disney Lund's attorneys, at Gibson Dunn & Crutcher, were de facto representing the Debtor, Montevideo Partnership which included the 77.44% majority ownership interest of Mr. Wojciechowski. At some point in time it was renamed through an official application to the Secretary of State of the State of California, made by Jane Lindsey Wingfield, attorney with Gibson Dunn & Crutcher representing the Debtor Partnership. A reference to that application was made in Case 98-1955 on pg. 31 of the Appendix, as Document #000070-000074. The Supreme Court's attention is also called to Document # 000038 identified on pg. 27, which shows why the Chapter 7 Trustee did nothing and disappeared from the Case when it was in Chapter 7. True and accurate copies of these exhibits are attached to my Declaration with the cover letter from Respondent, Topanga Oaks, Inc. to GD&C attorney's with instructions for filing an Amendment with the State of California. The next exhibit shows that filing was approved by the Secretary of State, March Fong Eu on Sep. 2, 1991. Another document was filed with the same agency, as shown in the next exhibit, on Feb. 19, 1992. All documents indicate that Jane L. Wingfield, Esq., GD&C attorney, filed these documents on behalf of the Debtor Partnership. The next document is a fax cover sheet, which I never received, from GD&C's Bennett L. Silverman to Chapter 7 Trustee, Gary Plotkin, asking the Trustee ex parte, not to proceed with Debtor Partnership's 341(a) Hearing.

4. I have reviewed Mr. Wojciechowski's efforts to recover what was allegedly taken from him, by way of dissolution of a California Limited Partnership without a distribution of assets to the partners. I was never involved in such an absurd maneuver. It is impossible to dissolve a California Partnership without distributing it's assets. What was done appears to be without legal basis.

5. I have told Mr. Wojciechowski that I am willing to help him with my personal knowledge as a witness in pre trial process and the jury trial. I understand that there is a pending RICO Case, in the San Jose Division of the Northern District Court of California. It is my opinion that is an excellent forum to air what Mr. Wojciechowski has alleged.

It is my considered opinion that, Latham & Watkins must stand with the other Defendants in the above trial. What Mr. Wojciechowski is attempting in this Motion is the only way to expedite justice.

6. I encourage the Supreme Court to grant Certiorari on the two Petitions he has filed and to consolidate the two Appeals named in this Motion with those Writs.

7. In my Opinion Mr. Wojciechowski has done more than an adequate job in prosecuting the alleged acts. It is difficult for me to believe that without a formal legal education and many years of experience, he accomplished getting this extremely important case to the Supreme Court. There is absolutely no question in my mind that the Supreme Court must exercise it's *supervisory powers* and bring his painfully delayed due process rights to a RICO jury. I am looking forward toward working to help Mr. Wojciechowski regain what was taken from him without any cause whatsoever.

Executed under penalty of perjury on June 15,1999 in the County of Los Angels, California.

"s"/_____
JOHN T. JANOSIK

DECLARATION OF Z.M. WOJCIECHOWSKI IN SUPPORT OF PETITIONERS MOTION FOR CONSOLIDATION OF CASES

I, Z.M. ("Jim") WOJCIECHOWSKI, declare under penalty of perjury and under the laws of the United States as follows. If called upon as a witness I could competently testify to the following facts of my own knowledge:

1. I am a retired attorney, previously admitted to practice before all Courts in California.

2. In early January of 1992, I took over from Latham & Watkins in representing Petitioner/Movant in negotiating a definitive final "divorce" agreement with Sharon Disney Lund. Such an agreement was to have been completed by the terms of the December 22, 1991 "Letter of Intent", to the satisfaction of all parties and signed. The cut off date was, a date certain, January 15, 1992. The "Letter of Intent" contained a "time is of the essence clause".

3. My efforts to reach such an agreement in a timely manner were spurned by Jane Lindsey Wingfield, who refused to answer my calls. She was an attorney who apparently controlled and managed the affairs of Sharon Disney Lund, and the Debtor, Montevideo Partnership.

4. No agreement of any kind was ever reached by the date certain specified in the "Letter of Intent". I tried but could not negotiate any agreement. I personally submitted compromised versions, in writing, of what my client found to have been acceptable at that time. That attempted but failed "divorce" never happened to my knowledge.

5. Gibson Dunn & Crutcher attorney's appeared to have controlled and managed the affairs of the Debtor Partnership and in fact represented the Montevideo Partnership in Bankruptcy Court during the time I was representing my client.

6. The following described documents are true and correct copies of documents attached to my Declaration herein. On March 23, 1992, I made a Motion on behalf of my client in Opposition to Sharon D. Lund's Motion for Order Enforcing a Letter of Intent as an Alleged Settlement Agreement. It is identified as Exhibit #1.

7. I call the Supreme Court's attention to pg 5. the paragraph titled, "Facts Pertaining to Instant Motion" and continuing onto pg's. 6 & 7. It was clear to me that the parties to the "Letter of Intent" never considered it, as any kind of "Settlement Agreement". As a matter of fact, Mrs. Lund admitted that fact in the April 2, 1992 Hearing, where the Bankruptcy Court attempted to enforce an expired "Letter of Intent". On pg. 57 ln. 25, of the Reporters Transcript of that Hearing, Mrs. Lund, the witness clearly testifies she never signed any other documents. On pg. 58 ln. 5, she says:

"*None that have been signed by both of us.*"

I understand that a copy of the above transcript has been made available to the Supreme Court.

8. I call the Supreme Court's attention to the cases on point in my Memorandum of Law on admissibility of evidence on pg. 8-11. Also, the Continuing Negotiations paragraph, starting on pg. 11, in Exhibit #1.

9. I also call the Supreme Court's attention to the page following pg.13, and the Declaration of Christopher R. Wojciechowski found in Exhibit #2 pg's. 1 through 9. Exhibits #3, and #4 are copies of

my letters to Jane L. Wingfield at GD&C.

10. Soon after I made the subject Motion I suffered a relapse of a serious complication stemming from an earlier surgery. I could not attend the scheduled hearing and asked the Court to Continue the matter until I was fully recovered and able to represent Petitioner. The Judge, unreasonably denied my request and dissolved the Partnership, to my knowledge, without any authority or jurisdiction whatsoever. What he did was Bankruptcy Fraud in a corrupt environment of a heavy handed influence by both Gibson Dunn & Crutcher and Latham & Watkins attorney's, who to my knowledge made material premeditated misrepresentation in Bankruptcy Court.

11. It is apparent that these two firms have been involved in a complex Racketeering conspiracy to cover-up the obvious fact that a distribution of Partnership assets never took place resulting subsequently in tax fraud, due to an unreported windfall for Sharon Disney Lund. Tax Fraud has been historically the "Achilles heel" in a pattern of Corrupt Racketeering Enterprises in the U.S.A.

12. Dwight D. Eisenhower's farewell address on January 17, 1961, incriminated the industrial/military complex as a danger to our form of Government. I am afraid that danger now has spilled over into the legal profession. We must once again say "Look Out" this time to what appears as a monopoly of the Court's by powerful law firms who are illegally taking away due process rights of their victims for pay, as is shown in this Motion. I believe this is a greater danger to our form of Government than that which concerned President Eisenhower. In fact, this saga of the Montevideo Partnership has been one long obstruction of justice for my brother. I am very proud that he has not given up his right to recovery and that he has handled these complex issues without anyone's assistance. The RICO action he filed against all the Defendants, including

Latham & Watkins, should proceed as soon as possible. It is my opinion, as a past participant, that Latham & Watkins did in fact unquestionably commit malpractice and professional negligence while representing Petitioner. Without them the RICO case will not complete due process.

Executed under Penalty of Perjury on June 15, 1999 in the County of Orange, California.

"S"/_____
Z. M. Wojciechowski

DECLARATION OF CHRISTOPHER R. WOJCIECHOWSKI IN SUPPORT OF PETITIONERS MOTION FOR CONSOLIDATION OF CASES

I, CHRISTOPHER R. WOJCIECHOWSKI, declare under penalty of perjury and under the laws of the United States as follows. If called upon as a witness I could competently testify to the following facts of my own knowledge:

1. I am the Petitioner / Movant herein.

2. I never agreed to relinquish my rights to my 77.44% ownership position in the Montevideo Partnership. My Capital Contribution was reported as a $20,896,000 loss in 1992 tax returns, no such loss occurred. See Exhibit #1 - 7 attached to this Declaration. That amount continues to accrue interest at 10% per annum as agreed in the Montevideo Partnership Agreement. The tax return was fraudulently, willfully and maliciously filed by Respondent, Canyon Oaks Estates, L.P., to cover up the fact that a fraudulent dissolution took place in Bankruptcy Court. There was no distribution of Partnership assets to the Partners. It is obvious that had a lawful distribution occurred, as is mandated by Federal & California law, I would have

been paid that $20, 896,000. It is absurd, on the part of Respondents to maintain that anyone in their right mind would walk away from that much money, voluntarily. That is the danger of hanging around in "Fantasy Land" at the Magic Kingdom of Disneyland.

4. Neither did I agree to relinquish my rights to collect the debt that the Partnership owed me by way of Notes totaling $9, 289,000 and the Interest that has accrued since 5-22-87, the day the Partnership agreed to pay those Notes at the rate of 12% per annum.

3. Nor did I agree to relinquish my Creditor's claims in the Bankruptcy Case LA 89-27014WL. The Bankruptcy Judge dissolved the Debtor Partnership, knowing he had no jurisdiction to do so before the hearing on the Bankruptcy Claims took place. There never was a lawful adjudication of those claims totaling $21,467,400.

4. The total amount of actual damages I suffered as a direct and proximate result of the Racketeering acts by Respondents, including Fraud on Bankruptcy Court shown in my RICO Complaint, is calculated on pg.3 in the Appendix to my First Amended RICO Complaint, the amount is: $150,561,839.50 plus the value of the land stolen from me, is an additional $110,000,000, trebled according to Title 18 USC Sect. 1964 (c), the amount of damages is $781,685,518.50.

5. Whatever settlement agreements existed on June 30, 1992 and the Mutual General Release Agreement made on July 8, 1992 (See Exhibit #8 to my Declaration), were fraudulently obtained from me and were forced on me by a Bankruptcy Court without jurisdiction, where I was a partner in a California Limited Partnership.

6. I asked Latham & Watkins attorney's ,who represented my interests at the time, to dissolve the Partnership in State Court. They refused to do so, thereby breaching their fiduciary duty to me as

their client. There never was a lawful dissolution of that California Partnership between myself and my Company on the one hand and Sharon D. Lund, my only partner, on the other hand. ~~But we had a "divorce" in Bankruptcy Court,~~ apparently that is Gibson Dunn & Crutcher's "Magic Kingdom". "The King" there, Judge Lasarow didn't pay me fair market value for my 77.44% ownership in that real Partnership. In the U.S.A. we are subject to the real laws of this Republic.

6. The Racketeering conspiracy was created between the Gibson Dunn & Crutcher attorney's and the Latham & Watkins attorney's early on, even before I pledged my property and made my Capital Contribution to the Montevideo Partnership. That Conspiracy was controlled and managed by Ronald E. Gother and Jane Lindsey Wingfield, attorney's at Gibson Dunn & Crutcher and John F. (Jack) Walker, Jr., managing partner at the time at Latham & Watkins. It is public knowledge that Latham & Watkins, under the guidance of Jack Walker, represented Michael Milken and his securities firm, Drexall Burnham & Lambert, in many limited partnership. Latham & Watkins was an expert firm in forming and dissolving Limited Partnerships. There is absolutely no reason to doubt the fact that Latham & Watkins, willfully and with premeditated malice, failed in their fiduciary duties to me, as my attorneys, in not carrying out that request.

7. The legal malpractice and professional negligence case I have against them must be included in the RICO case, otherwise they will escape without liability for the direct and proximate damages I suffered on account of their negligence, when otherwise a proper distribution of Partnership assets could have taken place, back in 1991.

8. I have made this Motion to have the Supreme Court exercise it's *supervisory power* over all involved lower courts in the United States, so as

to bring all the necessary parties under the jurisdiction of one Court, for one form of action pursuant to FRCivP. Rule 2, 12(g) & 19, where a jury trial will determine the facts and determine if I am indeed, entitled to recovery of what alleged was taken from me, in violation of the Racketeering Influenced and Corrupt Organization Act of 1970.

Executed under Penalty of Perjury on June 16, 1999 in the County of Monterey, California.

"S'/_____
Christopher R. Wojciechowski

"II. ARGUMENT & MEMORANDUM OF LAW:

A. District Court Case No. 99-21236

(Paragraphs 1- 5 are redacted as are all exhibits *)*

5. *This Court shall be requested to disqualified the Judge in the Writ proceedings, by reason of the fact that, Ronald M. Whyte ("Whyte") is a named Defendant. In all probability there will be a different judge thereafter.*

6. *There are many other Defendants, in addition to Whyte, which are responsible parties who caused the alleged wrongdoing, shown in Complaint, in an entirely different context than the case on Appeal, Docket No. 00-15135.*

7. *There are no party litigants, no Defendants have appeared, to become Appellees in Case 99-21236, except for; Edmund D. Edelman; County of Los Angeles & Michael D. Antonovich.*

8. *Case No 99-21236 was dismissed by a judge only against himself, by himself, without jurisdiction, in a fit of anger, because he was a Defendant. Whyte, usurped jurisdiction in this case from Magistrate Judge, Edward A. Infante.*

9. *There were no responsive pleadings filed in the Case, by anyone except the Judge, when he*

dismissed everyone.

10. *Whyte abused his discretion to such an "extreme and injurious degree" that his action constitutes "a judicial usurpation of power". The Supreme Court of the United States held, that under such circumstances the Court of Appeals may review discretionary orders, such as Whyte made in that case, by way of mandamus -* ***Allied Chem. Corp. v. Daiflon, Inc.,*** *supra, 499 US at 36, 101 S,Ct. at 91.*

B. *In U.S.C.A. Docket No. 00-15135, where Appellant's Opening Brief has been filed, Briefing Schedule has been established by this Court, and where Appellate Panel of Circuit Judges has already denied Appellees Motions on March 24, 2000;*

"Appellees' motions to dismiss this appeal for lack of jurisdiction are denied."
Before, Farris and Canaby, Circuit Judges

1. *Appellant, in his Opening Brief, raised the issues that:*

(A). "This is a Racketeering Influenced and Corrupt Organizations Case ***RICO Act****, in violation of (18 USC Sect. 1961 et. seq.) combined with damage claims for violations of* ***Civil Rights Act*** *(42 USC Sect. 1983)* [4] */, which involves bribery of an elected State / County official, who in conspiracy with a Bankruptcy Judge, aided and abetted the named "Racketeering Enterprise" in resulting Bankruptcy Fraud, illegally taking significant property and monies from Appellant. This case qualifies for summary disposition under Circ. Rule 3-6(a). Granting a jury trial, is required, that is all this Court has to do.*

(B). Deprivation of due process and of a jury trial, is the issue.

(C). There is a very disturbing but, overriding

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[4] / The statute specifically provides for "an action at law" or "a suit in equity", must be tried by a jury. [Del Monte Dunes at Monterey Ltd. v. City of Monterey (9th Cir. 1996) 95 F3d 1422, 1427].

issue. The presiding U.S. District Court Judge, in the court below, succumbed to and did, in fact, become a participant in, Racketeering & Civil Rights deprivation, when he dismissed all 32 Defendants, without discovery, denying a guaranteed jury trial. In doing so, he satisfied the 10 year old pattern and/or objective of this Racketeering Enterprise, which is; ***"avoid jury trials at all cost."***

(D). In the process, Court below abridged Appellant's guaranteed rights under the First, Seventh and Fourteenth Amendments of the U.S. Constitution causing; (a) additional money damages; (b) a violation of RICO statutes; (c) it's own brand of obstructing justice, in violation of Title 18 USC Sect. 1503.

(E). This Court of Appeals must vacate dismissal with prejudice & remand the case forthwith for discovery & a jury trial, to the U.S. District Judge who was first, selected at random by the clerk."

2. *That statement of issues is clear on what this Court should do under the law, and Supreme Court authority. Which is; REMAND FORTHWITH, FOR A LONG DELAYED JURY TRIAL, ON SUMMARY DISPOSITION OF THIS APPEAL (No stay's).*

3. *It is obvious that Defendants/Appellees who made the Motion to Stay, and the others who have joined, are again, without cause, delaying justice to Plaintiff/Appellant, keeping him away from a mandated jury trial, where RICO/Civil Rights, civil damages exceed $700,000,000, by reason of the following:*

(a). They need more time to dissipate and hide their assets, including the assets consisting of public funds donated to the County of L.A. for the construction of the Walt Disney Concert Hall; U.S. Trust Co., with John C. Westwater, wants to commit Securities Fraud on the publicly held Charles Schwab Corp., by selling U.S. Trust's assets to that company, free of liability to Plaintiff/ Appellant, then hide the proceeds of it's $3.2 billion, windfall, in some

"Banana Republic", beyond the reach of U.S. Court Judgments. The other Defendants / Appellees, want the time to prepare for and to file Bankruptcy, so as to avoid liability for civil damages, to Plaintiff / Appellant. 5/

(b). Defendants / Appellees suggest that their Motion be decided by the Appellate Commissioner, Peter L. Shaw, ("Shaw") who is a named Defendant in this Case, pending Appeal, Docket No. 00-15135. Shaw's wrongdoing, as a co conspirator is shown, in conjunction with the Racketeering Enterprise, in the Original RICO Complaint. He is now asked to make a decision favorable to those who allegedly, corrupted him in previous Appeals, before this Court. That is the height of arrogance, which obviously cannot be tolerated, by this Court. There is already a Panel of Judges who decided against the scurrilous attempt by one of Shaw's henchmen, when Shaw was about to fraudulently dismiss this Appeal. The wisdom of Circuit judges, Farris and Canaby, prevented that fraud. We don't need anymore fraud in this Case.

(Paragraphs 4 -5 have been redacted)

6. *There are several Defendants who are in default in the court below. Plaintiff / Appellant filed, on May 18, 2000, with this Court, a Petition for Rehearing [FRAP 40], in part on, that issue. The only*

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5 / Counsel for L. A. County; de-facto admitted bribery and misdeeds of Appellees, Edelman & Monteilh, in County of LA's Notice of Motion/Motion to Dismiss the FARC AER @ 00046- 00075 on pg.17, ln's 26-27, cont'd. on pg.18, ln 1-7, pg's. 5- 10, are not grounds for dismissal, when a jury is required. (a) on pg. 2, paragraphs; 1;2; 3; 4; 5; 6; 7; 8; (b) on pg. 4, Statement of Issues to be Decided, confused Whyte with criminal statutes for Bribery against Edelman. Whyte erroneously ignored the fact that Civil RICO statutes for damages for bribery etc. relate back 10 years [Title 18 USC Sect. 1961(5)], from discovery of such acts. Civil, not Criminal acts are the issues in question.

related Appeal, in Court, is Docket No. 99-15702. **6/** *In the public interest and to avoid confusion, those Defendant's must not be mixed-up with yet another Appeal, which is non existent, certainly unrelated, in spite of what erroneous fantasy Defendants / Appellees, wish to come true. That is what happens when they hang out with "Goofy" at the Magic Kingdom too long.*

7. *Furthermore, the form of Defendants / Appellees Motion is inappropriate and a violation of FRAP Rules.*

8. *There is no basis in fact or in law for this Court of Appeals to grant the stay requested in the subject Motion. On the contrary, significant risk and irreparable injury will accrue to Plaintiff / Appellant, as shown above. A loss of prejudgment interest on the actual damages at the legal interest rate is equivalent to $10,539,328.76 / year or $29, 357.46 per day x 60 days, that amounts to a loss of $1,761,447.70 for the period of time requested in the subject Motion. Plaintiff / Appellant has a prima facie case, and the probability of prevailing and collecting treble damages from a RICO / Civil Right's Jury is excellent.*

II. CONCLUSION:

C. *Plaintiff / Appellant prays Judgment from Circuit Judges Farris and Canaby, to require strict adherence to established briefing schedule, allowing*

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6 / See Defendants who failed to answer summons within 20 days are; (1)Alan Dale Harris; (2) Harris & Ruble; (3) Latham & Watkins; (4) John P. "Jack" Walker, Jr.; (5) William J. Meeske; (6) Vincent Herron; (7) Los Angeles County; (8) Edmund D. Edelman; (9) Larry J. Monteilh; & (10) John P. Shook. Also see that: Latham & Watkins failed to disclose to Appellant that they represented the Walt Disney Company, where Appellant's adversary Sharon Disney Lund was a member of the Board of Directors, at the same time that they were representing Appellant.

no stays whatsoever, in this Appeal.

D. *In the alternative, and because of the obvious reason for this delaying Motion, Plaintiff/Appellant requests that the same Circuit Judges grant this Appeal forthwith, summarily remanding the matter to the court below, to Judge Jeremy Fogel for discovery and a jury trial.*
Dated: May 17, 2000
"S"/_____
Christopher R. Wojciechowski, Plaintiff/Appellant
Private Attorney General, Pro Se.

Docket No. 01-70840, DC # -01-3357 DT(RCx)
(all Cover Sheets are Redacted)

This Case is about "free access to Federal Courts", denied by Dickran Tevrizian's *"moral turpitude extremely repugnant to accepted moral standards."* Petitioner was representing himself as a Private Attorney General, Pro Se. He properly removed Cases from State to Federal Court under 28 USC Sect. 1441(a) see [City of Chicago v. International College of Surgeons (1997) 522 US 156, 118 S.Ct. 523, 532-533]. The purpose of Removal to Respondent Court was for transferring the same subject matter, on-going Bankruptcy Fraud, involving the same parties, to the N.D. of CA and for consolidation with CV 00-20962. Parties are: Impersonator, Alan Harris, Harris & Ruble, Marcella Ruble, Lisa Mc Kenzie, Frederick A. Cone (a convicted felon), Gerald Rosenberg, Linda K. Lefkowitz, Elihu M. Berle, John P. Shook, Los Angeles County, it's Supervisors Michael D. Antonovich, it's retired Supervisor Edmund D. Edelman, the State of California, Retired Bankruptcy Judge, William J. Lasarow, and Senior U.S. District Court Judge, Edward Rafeedie, in their individual capacities, the real parties in interest.

The allegation on Mandamus was that

Dickran Tevrizian, *"over the weekend"* was corrupted by one of the behemoth law firms, identified as Latham & Watkins, to immediately deny due process to Petitioner.

Petitioner made a Motion for reconsideration under Local rules for Judicial review by a Three Judge Panel, also denied at warp speed by Tevrizian, without any legal cause whatsoever, he caused Obstruction of Justice in violation of RICO, 18 USC Sect. 1503.

On Appeal, to the 9th Cir., Petitioner under Gen. Or. 2-4, Cir. Rule 27-3 & for good cause expedited under 28 USC 1657 -Cir. Rule 34-3, addressed Appeal 01-70840 to the unbiased "Comeback Panel" of Senior Circuit Judges, the Hon. William C. Canby and the Hon. Jerome Farris. Coconspirator and accused criminal, Peter L. Shaw, denied Petitioner that unbiased Panel of Senior Circuit Judge. Instead, at the request of the behemoth law firm, Gibson Dunn & Crutcher, Appellate Commissioner Shaw, was corrupted to hand over Appeal # 01-7084 to the biased and prejudicial Panel of O'Scannlain, Silverman and Gould. They continued the pattern of *racketeering activity,* denied Mandamus without cause, but with animus of discrimination, against a Pro Se litigant, again extending Bankruptcy Fraud, Obstructing Justice in violation of RICO 18 USC Sect. 1503, and in violation of Sect. 1341, 1343, 1510, 1511, 1512, 1513 and 1951 interfering with commerce by Monopolizing competition in the commerce of litigation, in federal and state courts, in violation of Antitrust 15 USC Sect's. 1-7 and Sect. 15.

Full disclosure of copies of all documents filed in this case, will be made available prior to Briefing, if requested by the Justice assigned to this Petition.

Docket No. 01-71183, DC#CV-00-20962

This Case is another "Come Back Case" for consideration by Motions Panel of Senior Circuit Judges: The Hon. William C. Canby, Jr. & The Hon. Jerome Farris, pursuant to [Ward v. Village of Monroeville, 409 US 57, 93 S.Ct. 80(1972)]. Canby & Farris previously heard related matters, which include some of the same parties and issues.

Writ of Mandamus was sought to obtain relief from irreparable injury and harm to Petitioner, caused by the assertedly invalid Interlocutory Order of U.S. Dist. Crt., N.D. CA, made on June 7, 2001, in San Francisco Div. That venue was *"Judge Shopped"* by Gibson Dunn & Crutcher's attorneys after Ronald M. Whyte, in the San Jose Div. recused himself. He referred a pending Motion to Chief Judge Patel in San Francisco for assignment, to another Judge, in the San Jose Div., by reason of the fact that, Whyte is named as a RICO, Civil Rights, Antitrust, Securities Fraud and Common Law Fraud Coconspirator in Case 00-20962, in his own Court in the San Jose Div.

Judge Marilyn Patel, decided not to follow the law under 28 USC Sect. 1404(a). Without discretions, Patel *"partially"* transferred the venue illegally to San Francisco. There is no such thing as a "partial transfer." Judge Whyte attempted a bogus scam on Petitioner, in conspiracy with Gibson Dunn & Crutcher, attorneys. Whyte had actual and constructive knowledge that, his Court could not transfer part of Case CV 00-20962, while retaining jurisdiction over other claims or parties - "Section 1044(a) only authorizes the transfer of an entire action, not individual claims" - see [Chrysler Credit Corp. v. Country Chrysler, Inc. (10th Cir. 1991) 928 F2d 1509,1518 (emphasis added].

Whyte illegally proceeded to make subsequent Orders in Case 00-02962. All such Orders are void and have absolutely no force and effect.

Patel was corrupted with premeditated

malice, to avoid reassigning the Case to the impartial tribunal of the Hon. Jeremy Fogel. As indicated above, Judge Fogel is the only "full time" Judge in the San Jose Div., to whom this case could be reassigned, by reason of the fact that, Personal Jurisdiction, and subject matter Jurisdiction, lies in the San Jose Div., pursuant to "the home turf rule" in Sect. 1404 see [Securities Investor Protection Corp. v. Vigman (9th Cir. 1985) 764 F.2d 1309, 1317].

The above described illegal transfer of Venue is, yet another predicate act in that same *pattern of racketeering activity* which has been a constant and continuing goal of the RICO,Civil Rights, Antitrust, Securities Fraud and Common Law Fraud, Conspiracy. Since 1996, in Whyte's Court, Obstruction of Justice was rampant to prevent Petitioner from recovering what was illegally taken from him in Bankruptcy Fraud, in the *First Instance* in Bankruptcy Case LA 89 27014 WL/ES.

Judge Patel & Whyte conspired to extend Bankruptcy Fraud, Obstructing Justice in violation of RICO 18 USC Sect. 1503, and in violation of Sect. 1341, 1343, 1510, 1511, 1512, 1513 and 1951 interfering with commerce by Monopolizing competition in the commerce of litigation, in federal and state courts, in violation of Antitrust 15 USC Sect's. 1-7 and Sect. 15.

The 9th Cir. Crt. of Appeals was presented with extensive briefing by Petitioner to Grant Mandamus Relief, addressed to "Come Back Panel" of Senior Circuit Judges, Canby and Farris. Had they been allowed to hear; (a). the Mandamus Petition, as requested by Petitioner (b). the Supplement to that Motion filed JUL 27, 2002; (c). The Rule 60(b) Motion to set aside Patel's and Whyte's Judgments and (d). Petition for Rehearing subsequently filed by Petitioner (all cover sheets are shown in Appendix pg's. ___-___.) , this litigation would have been completed. Instead, Coconspirator

Peter L. Shaw, aided and abetted criminal Bankruptcy Fraud and Obstruction of Justice, again "Judge Shopping" for guaranteed illegal results with the prejudiced and biased panel of Hug, Pregerson and Wardlaw, Circuit Judges, who with animus of discrimination against a Pro Se litigant, failed to uphold Petitioner's due process and Constitutional Guarantees. Shaw, again conspired with Gibson Dunn & Crutcher attorneys, maliciously, without notice to Petitioner that Canby & Farris were not assigned this Mandamus Petition. Shaw, abridging Petitioner's First Amendment rights *"to petition the government for redress of grievances,"* again, extended Bankruptcy Fraud, Obstructing Justice in violation of RICO 18 USC Sect. 1503, and in violation of Sect. 1341, 1343, 1510, 1511, 1512, 1513 and 1951 interfering with commerce by Monopolizing competition in the commerce of litigation, in federal and state courts, in violation of Antitrust 15 USC Sect's. 1-7 and Sect. 15.

Full disclosure of copies of all documents filed in this case, will be made available prior to Briefing, if requested by the Justice assigned to this Petition.

There was one more intervening Case created by the 9th Cir. *Sua Sponte. it was* maliciously conceived in Conspiracy with Gibson Dunn & Crutcher to slander Petitioner, to abridge his Constitutional Guarantees, obstructing criminal investigation of Peter L. Shaw. That is prohibited by RICO, 18 USC Sect. 1510 and Sect. 1511 and by RICO, 18 USC Sect's. 1512, 1513, etc.

That case is U.S.C.A. Docket No. 01-80100 issued with pre meditated malice for the same purpose, based on the same conspiratorial motive, in another predicate act of *Racketeering activity*, same as were the false contempt and vexatious designations, illegally obtained to slander & libel Petitioner, the Motive is always the same *"do whatever it takes to avoid accountability for Bankruptcy Fraud, in the First Instance."* On DEC

20, 2001 9th Cir. Judges, Hug, Pregerson and Wardlaw, joined the RICO, Civil Rights, Antitrust, Securities Fraud and Common Law Fraud Conspiracy created by Gibson Dunn & Crutcher by issuing that Order to further abridge Petitioner's 1st Amendment rights.

Coconspirator, Peter L. Shaw, aided and abetted criminal Bankruptcy Fraud and Obstruction of Justice, when he again went "Judge Shopping" for guaranteed illegal results with the prejudiced and biased panel of O'Scannlain and Gould, Circuit Judges, who with animus of discrimination against a Pro Se litigant failed to uphold Petitioner's due process and Constitutional Guarantees. Shaw, O'Scannlain and Gould, abridged Petitioner's First Amendment rights *"to petition the government for redress of grievances."* Shaw again, extended Bankruptcy Fraud, Obstructing Justice in violation of RICO 18 USC Sect. 1503, and in violation of Sect. 1341, 1343, 1510, 1511, 1512, 1513 and 1951 interfering with commerce by Monopolizing competition in the commerce of litigation, in Federal and state Courts, in violation of Antitrust 15 USC Sect's. 1-7 and Sect. 15.

Full disclosure of copies of all documents filed in this case, will be made available prior to Briefing, if requested by the Justice assigned to this Petition.

CHRISTOPHER R.WOJCIECHOWSKI, (CRW)
ANGELA NASKAR WOJCIECHOWSKI, (ANW)
REMOVING AND TRANSFERRING
DEFENDANTS
Customs Road, Pebble Beach, Calif.
Mailing Address: P.O. Box 1171
Pebble Beach, CA 93953
Tel. No. 831 372 5590
Private Attorneys General, Pro Se

UNITED STATES DISTRICT COURT
FOR CENTRAL DISTRICT
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION,

IN RE:
CHRISTOPHER R. WOJCIECHOWSKI, ANGELA NASKAR WOJCIECHOWSKI

Removing and Transferring Defendants,

CRW is Plaintiff in Case CV 00-20962, N.D.of CA.

CASE NO: _____

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION ("JPMDL")

RULES & PROCEDURES 65 FRD 253 28 USC SECT. 1407

MOTION TO TRANSFER REMOVED CASE FROM STATE COURT, WITH BAP CASE CC 00-1627 TO U.S. DIST. CRT. N.D. OF CA, SAN JOSE DIV. CASE NO. CV 00-20962 FOR COORDINATION & CONSOLIDATION TO OBTAIN PROMPT TRIAL BY JURY, FOR DEFENDANTS, GUARANTEED BY CALIF's. & US's CONST'S. IN "One Civil Action" FRCP RULE 2, WITH THE ONLY RELATED CASE, SEE REMOVAL PAPERS FILED AT BAP & REASSIGNED TO C. D. CA

TRANSFEREE JUDGE SHOULD BE THE JUDGE WHO SHALL PROVIDE AN IMPARTIAL TRIBUNAL. THAT JUDGE IS THE HON. JEREMY FOGEL, ORIGINALLY ASSIGNED AT RANDOM BY CLERK TO PRESIDE OVER SUBJECT MATTER AND SAME PARTIES IN REMOVED CASES &, BAP CASE.

1. MOVANTS, CHRISTOPHER R. WOJCIECHOWSKI ("CRW"), and ANGELA NASKAR WOJCIECHOWSKI, ("ANW") DEFENDANTS, Move JPMDL To Transfer Removed Cases from State Courts with BAP Case No.CC 00-1627 to the U.S. District Court, N.D. of CA, San Jose Div. Case No. CV 00-20962.

2. Interested parties are:

(i). The Supreme Court of the United States where CRW has been allowed to Petition for Extraordinary Writ of Prohibition and Mandamus, (in progress - to be filed on or before MAY 17, 2002) against:

(a). The 9th. Cir. Crt. of Appeals Appellate Commissioner, Peter L. Shaw and named Circuit Judges, for bias, prejudice and animus of discrimination that they have exhibited in the past, against CRW, wherein they violated CRW's inviolate rights to Trial by Jury, to recover what was illegally taken from him through *Racketeering Activity*, etc. see Removal papers reassigned to CD from BAP.

(b). The Central District of California, Senior District Judges, Edward Rafeedie and Dickran Tevrizian, who were corrupted by Plaintiffs in Removed Cases, and as a result, refused to Transfer underlying Case of the Removed Case No. B 148 579 Ancillary, in the Court of Appeal of California, wherein they violated CRW's inviolate rights to Trial

by Jury, to recover what was illegally taken from him through *Racketeering Activity*, etc. see Removal papers reassigned to CD from BAP.

(c). The U.S. District Court Judge, Ronald M. Whyte, in ND. CA, San Jose, Div. who refused to recuse himself, for bias, prejudice, and animus of Discrimination against CRW, in past proceedings, in related Case CV 00-20962, wherein he violated CRW's inviolate rights to Trial by Jury, to recover what was illegally taken from CRW through *Racketeering Activity*, etc. see Removal papers reassigned to CD from BAP.

(ii). The County of Monterey, CA; the County of Los Angeles, CA, the State Attorney General, and his clients including, the Gov. Gray Davis and other "State Actors'; Latham & Watkins, and their clients; O'Melveny & Myers and their clients; the Impersonator Alan Harris aka Dale A. Harris; Harris' associate, convicted felon, Frederick A. Cone; Harris & Ruble; Hill, Farrer & Burrill, and their clients, The U.S. Attorney General, and his clients; The Solicitor General of the U.S.; The Director of the F.B.I.; The Director of the General Accounting Office, David Walker, U.S. Controller General, Fraud Section; Charles R. Schwab and his Corporation; The Estate of Lillian B. Disney, it's executors/Trustees; Retlaw Enterprises, Inc.; The Debtor's General Partner, controlled by Diane Disney Miller; also, the Republican National Committee and Finer Kim & Stearns, and their clients.

ARGUMENT & MEMORANDUM OF LAW FOR TRANSFER:

3. The purpose of this requested Transfer is in keeping with the intended purpose of [Weige, *The Judicial Panel on Multidistrict Litigation* (1978) 78 FRD 575].

4. The Application for this Transfer is in keeping with the intended standards cited in - [*In re Swine Flu Immun. Prods. Liab. Litig.* (JPMDL 1978]

446 F. Supp. 244]; [*In re "Dalkon Shield" IUD Prods. Liab. Litig.* (JPMDL 1981) 505 F.Supp. 211].

5. Venue and Jurisdiction for Transfer lies in N.D. of Calif., San Jose Div., as is clearly shown in Removal Papers, which are adopted herein, in their entirety, as if they were an intrinsic part of this Argument, and see [*In re New Mexico Nat'l Gas Antitrust Litig.* (JPMDL 1979) 482 F. Supp. 333].

6. Scope of transferee authority, includes the Transferee Judge, who has been kept aware of this litigation, which was originally usurped from him by corrupted Judge Ronald M. Whyte. The Transferee Judge should be The Hon. Jeremy Fogel, in the San Jose Div., who is the Rightful Presiding Judge in Case CV 00-2-962., where the Removed Cases must come for an early Trial by Jury, guaranteed Defendants, CRW & ANW, by both the U.S. and the Calif. Constitutions. Also see [Rule 14(b), Rules of Proc., JPMDL].

7. Judge Fogel has the authority to grant a Trial by Jury, by reason of the fact that, CRW has Demanded Trial by Jury in Case CV 00-20962. Also, Judge Fogel has the jurisdiction to consolidate Removed Cases, including BAP Case CC 00-1627, with Case CV 00-20962, under 28 USC Sect. 1407. [*in Re TMJ Implant Recipients v. Dow Chem. Co.,* (8th Cir. 19970 113 F3d 1484, 1488.]

8. The N.D of CA, is the District from which the Removed Cases, arose.

9. The procedure for Transfer in Multidistrict Litigation has been complied with, to the best knowledge of CRW and ANW, under 28 USC Sect. 1407(c). If there are any defects in this Motion, CRW and ANW request leave of the JPMDL to cure such defects.

10. CRW and ANW, request that the Seven Judge Panel of JPMDL be assigned the Transfer requested, under [28 USC Sect. 1407(d)].

CONCLUSION:

11. Defendants, CRW and ANW, based on the

above facts and law cited requests that the JPMDL transfer Removed Cases and BAP Case No. 00-1627, to the N.D. of Calif., San Jose Div., to Transferee Judge Fogel, for consolidation with Case CV 00-20962, in the interest of judicial economy, and to grant them their inviolate right to have a Trial by Jury, consider the consolidated facts, in "One Civil Action."

Submitted on MAY 8, 2002, at Monterey County, CA, San Jose Division in the N.D. of CA.

"S"/_____
Christopher R. Wojciechowski, Defendant in Removed Cases, Plaintiff in Case where Removed Cases and BAP Case is to be Transferred, Private Attorney General, Pro Se

"S"/_____
Angela Naskar Wojciechowski, Defendant in Removed Case, Private Attorney General, Pro Se